

ARKANSAS STATE BOARD OF HEALTH

ARKANSAS DEPARTMENT OF HEALTH

RULES AND REGULATIONS

**GOVERNING THE PRACTICE OF LICENSED LAY MIDWIFERY IN
ARKANSAS**

**PROMULGATED UNDER THE AUTHORITY OF
ARKANSAS CODE ANN. §§ 17-85-101 ET SEQ. AND
ARKANSAS CODE ANN. §§20-7-109**

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By the Arkansas State Board of Health

**Arkansas Department of Health
Little Rock, Arkansas
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**RULES AND REGULATIONS GOVERNING THE PRACTICE OF LICENSED LAY
MIDWIFERY
(Pursuant to ACT 481 of 1987)**

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100. GENERAL PROVISIONS

101. PURPOSE AND AUTHORITY

Act 838 of 1983 provided for the lawful practice of Licensed Lay Midwifery in counties having 32.5% or more of their population below the poverty level. Act 481 of 1987 superseded Act 838 of 1983, and expanded the lay midwifery licensure statewide. These Rules ~~and Regulations~~ govern the practice of Licensed Lay Midwives (LLMs) in Arkansas.

The following Rules ~~and Regulations~~ are promulgated pursuant to the authority conferred by the Licensed Lay Midwife Act A.C.A. § 17-85-101 et seq. and A.C.A. § 20-7-109. Specifically, the LLM Act directs the Arkansas State Board of Health to administer the provisions of the Act and authorizes and directs the Board to adopt rules governing the qualifications for licensure of lay midwives and the practice of Licensed Lay Midwifery. The broad authority vested in the Board of Health, pursuant to ACA § 20-7-109, to regulate and to ultimately protect the health of the public is the same authority the Board utilizes in enforcing the Rules, determining sanctions, revoking licenses, etc.

102. ADMINISTRATION OF PROGRAM

The State Board of Health (BOH) has delegated the authority to the Arkansas Department of Health (ADH).

103. DEFINITIONS

As used in these Rules, the terms below will be defined as follows, except where the context clearly requires otherwise:

1. **ADVERTISEMENT AND ADVERTISING**

Any statements, oral or written, disseminated to or before the public, with the intent of selling professional services, or offering to perform professional services. Advertising includes - but is not limited to - promotional literature, websites, and social media sites used for the purpose of selling services.

2. **APPRENTICE**

A person who is training to become an LLM in Arkansas working under the direct supervision of a preceptor.

3. **ARKANSAS DEPARTMENT OF HEALTH CLINICIAN**

An ADH physician, Certified Nurse Midwife (CNM) or nurse practitioner providing ADH maternity services at a local health unit.

4. **ARKANSAS RULES EXAMINATION**

The exam that tests knowledge of the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas.

5. BIRTHING/BIRTH CENTER

Any facility licensed by ADH which is organized to provide family-centered maternity care in which births are planned to occur in a home-like atmosphere away from the mother's usual residence following a low-risk pregnancy.

6. CERTIFIED MIDWIFE (CM)

Individuals who have or receive a background in a health-related field other than nursing, and graduate from a midwifery education program accredited by the Accreditation Commission for Midwifery Education (ACME). Graduates of an ACME accredited midwifery education program take the same national certification examination as CNMs but receive the professional designation of certified midwife.

7. CERTIFIED NURSE MIDWIFE (CNM)

A person who is certified by the American College of Nurse Midwives and is also currently licensed by the Arkansas State Board of Nursing or the appropriate licensing authority of a bordering state to perform nursing skills relevant to the management of women's health care for compensation, focusing on pregnancy, childbirth, the postpartum period, care of the newborn, family planning, and the gynecological needs of women. The CNM must be currently practicing midwifery unless stated otherwise in these Rules.

8. CERTIFIED PROFESSIONAL MIDWIFE (CPM)

A professional midwifery practitioner who has met the standards for certification set by the North American Registry of Midwives (NARM).

9. CLIENT

A pregnant woman, a postpartum woman for a minimum of thirty (30) days, or her healthy newborn for the first fourteen (14) days of life who is the recipient of LLM services.

10. CONSULTATION

The process by which an LLM who maintains primary responsibility for the client's care, seeks the advice of a physician, CNM, or ADH clinician. This may be by phone, in person or by written request. The physician, CNM, or ADH clinician may require the client to come into their office for evaluation.

11. CONTACT HOUR

A unit of measure to describe 50-60 minutes of an approved, organized learning experience that is designed to meet professional educational objectives. It is a measurement for continuing education. One contact hour is equal to 0.1 CEU. Ten contact hours are equal to one (1) CEU.

12. LABOR SUPPORT ATTENDANT

An individual who is present at the request of the client to provide emotional or physical support for the client and her family.

13. LLM ASSISTANT

An individual who is present at the request of the LLM at any point during the course of midwifery care of the client to provide services under LLM supervision.

14. LICENSED LAY MIDWIFE (LLM)

Any person who is licensed by ADH to practice midwifery and who performs for compensation those skills relevant to the management of care of women in the antepartum, intrapartum, and postpartum periods of the maternity cycle. Also manages care of the healthy newborn for the first fourteen (14) days of life.

15. LOCAL HEALTH UNIT

A community-based ADH clinic site that provides medical and environmental services.

16. MIDWIFERY BRIDGE CERTIFICATE

A certification administered by NARM awarded to CPMs following the completion of accredited approved continuing education contact hours based upon identified areas to address emergency skills and the International Confederation of Midwives (ICM) competencies.

17. NORTH AMERICAN REGISTRY OF MIDWIVES (NARM)

The international certification agency that established, and continues to administer, certification for the credential “Certified Professional Midwife” (CPM) and the Midwifery Bridge Certificate (MBC).

18. PHYSICIAN

A person who is currently licensed by the Arkansas State Medical Board - or the appropriate licensing authority of a bordering state - to practice medicine or surgery. For the purposes of any sections of these Rules governing the care of pregnant and postpartum women, “physician” refers to those currently practicing obstetrics. For the purposes of any sections of these Rules governing the care of newborn infants, “physician” refers to those physicians who currently include care of newborns in their practices.

19. PRECEPTOR

A legally practicing obstetric or midwifery practitioner who participates in the teaching and training of apprentice midwifery students and meets NARM preceptor standards including credentials, years of experience, and birth attendance requirements. A preceptor assumes responsibility for supervising the practical (clinical obstetric) experience of an apprentice and for the midwifery services they render during their apprenticeship. In the case of transitional apprentices, the definition of preceptor in Appendix B applies.

20. REFERRAL

The process by which the client is directed to a physician, CNM or ADH clinician for management of a particular problem or aspect of the client’s care, after informing the client of the risks to the health of the client or newborn.

21. SUPERVISION

The direct observation and evaluation by the preceptor of the clinical experiences and technical skills of the apprentice while present in the same room.

22. TRANSFER OF CARE

The process by which the LLM relinquishes care of her client for pregnancy, labor, delivery, or postpartum care to a physician, CNM or ADH clinician, after informing the client of the risks to the health or life of the client.

104. SCOPE OF PRACTICE

1. The LLM may provide midwifery care according to the protocols in these Rules only to healthy women, determined through a physical assessment and review of the woman's health and obstetric history, who are at low risk for the development of medical or obstetric complications of pregnancy or childbirth and whose expected outcome is the delivery of a healthy newborn and an intact placenta. The LLM shall be responsible for care of the healthy newborn immediately following delivery and for the first fourteen (14) days of life (unless care is transferred to a physician or APRN specializing in the care of infants and children before that). After fourteen (14) days the LLM is no longer responsible and the client should seek further care from a physician or an APRN specializing in the care of infants and children. If any abnormality is suspected, including - but not limited to - a report of an abnormal genetic/metabolic screen or positive antibody screen, the newborn must be sent for medical evaluation as soon as possible but no later than 72 hours. This does not preclude the LLM from continuing to provide counseling regarding routine newborn care and breastfeeding.
2. Although the ADH Licensed Lay Midwifery program is supervised by ADH physicians, each LLM is encouraged to develop a close working relationship with one or more specific physicians in obstetric and pediatric practice, or CNMs in obstetric practice who agree to serve as a referral/consultation source for the LLM. This relationship is optional. The referral physician and LLM relationship, or the CNM and LLM relationship, can be terminated by either party at any time.
3. Apprentice midwives and LLM assistants may only work under the on-site supervision of their preceptor.
4. At various points during the course of midwifery care, the LLM must inform the client of the requirement for tests, procedures, treatments, medications, or referrals specified in Section 300 (Protocols) of these Rules which are for the optimal health and safety of the mother and baby, and refusal is strongly discouraged. However, continuing care of a client who refuses some of these requirements is permitted if the LLM meets certain requirements as outlined in paragraphs 5 through 8.
5. LLMs that have a current Certified Professional Midwife (CPM) credential but do not have a Midwifery Bridge Certificate (MBC) may continue care of clients that:
 - a. Refuse the following tests listed in Section 302.02 Prenatal Testing:
 - i. Pap test/HPV test.
 - ii. Test for Gonorrhea and Chlamydia.

- iii. Test for Syphilis.
 - iv. Hepatitis B test.
 - v. HIV counseling and test.
 - b. Refuse recommended Rh immunoglobulin as outlined in 302.05.
 - c. Refuse a referral or to follow advice against home birth as a result of the identification of these pre-existing conditions listed in 303.02:
 - i. History of seven (7) or more deliveries.
 - ii. Maternal age greater than or equal to forty (40) at estimated date of delivery.
 - iii. Previous infant weighing less than five (5) pounds or more than ten (10) pounds.
 - iv. Pregnancy termination or loss $\geq$ three (3).
 - d. Refuse the newborn procedures listed in 308.03 and 308.04:
 - i. Administration of eye medication if indicated.
 - ii. Administration of Vitamin K.
6. LLMs that have both a current CPM and the MBC, or LLMs that have a CNM or CM, may continue care of clients that refuse any test, procedure, treatment, referral, or medication, except for:
- a. The precluded conditions listed in Section 303.01;
 - b. The requirement of having the Risk Assessments listed in Section 302.01; or
 - c. Conditions requiring immediate transport as listed in Sections 305.01, 307.01, and 309.01.
7. LLMs that do not have a current CPM credential are not permitted to continue care for clients who refuse any of the required tests, procedures, treatments, medications or referrals specified in these Rules except for recommended Rh immunoglobulin as outlined in 302.05. Should a client refuse Rh Immunoglobulin the LLM must follow 104.#8.b-f.
8. Should a client of the LLM with a CPM, CM, CNM, or CPM/MBC refuse any of the tests or procedures pursuant to paragraphs 5 and 6:
- a. The LLM must inform the client that the LLM is only permitted to continue to provide care to the client if the LLM's certification meets the required standard as outlined in 5 and 6.
 - b. The LLM must inform the client of the potential risks to herself or her baby. It is the responsibility of the LLM to provide current evidence and adequate

information, both written and verbal, to the client regarding the risks of declining the test, procedure, treatment, medication or referral, including the risks and benefits of no action at all. This must include the review of any available and relevant ADH-approved sources on each test, procedure, treatment, medication or referral being refused.

- c. The LLM must document the client's refusal using the ADH Informed Refusal Form and include:
 - i. The information shared with the client as outlined in 8.b. and the ADH-approved sources used.
 - ii. The client's written assertion refusing the test, procedure, treatment, medication or referral.
 - iii. The client's affirmation of her understanding and acceptance of the risks.
 - iv. A plan of care for the condition, including a plan for transfer of care if indicated.
 - d. The ADH Informed Refusal form must be signed and dated by both the LLM and the client, and a copy kept by the LLM in the client's file. Signing the form shows they have discussed the risks and benefits of continuing under the care of the LLM.
 - e. Each signed refusal form must be documented by completing an Incident Report form and noting the Informed Refusal on the next LLM Caseload and Birth Report Log.
 - f. Documentation of refusal must be included in the client's record in the event a client changes her mind concerning an informed refusal.
9. It is the responsibility of the LLM to engage in a process of continuous evaluation, beginning with the initial consultation and continuing throughout the provision of care. This includes continuously assessing safety considerations and risks to the client and informing her of the same. The LLM is expected to use their judgment in assessing when the client's condition or health needs exceed the LLM's knowledge, experience or comfort level. The LLM has the right and responsibility to terminate care under these circumstances.
10. If any medications that are provided by ADH or prescribed by a physician or CNM in accordance with these Rules are administered at the home birth site, the LLM shall document this in the client health record and include the following:
- a. The name of the medication;
 - b. The lot number and date of expiration;
 - c. The strength and amount or dose of the medication;

- d. The date and time the medication is administered;
 - e. The name of the prescriber; and
 - f. Document:
 - i. The name and the credentials of the nurse administering the medication, or
 - ii. That the client, or LLM as agent to the client, administered medication to the newborn.
11. The LLM is required to comply with all provisions of HIPAA (Health Insurance Portability and Accountability Act).
12. The LLM is required to comply with all provisions of CLIA (Clinical Laboratory Improvement Amendments) when tests are performed for the purpose of providing information for the healthcare of midwife clients.

105. TITLE PROTECTION

1. A person may not practice or offer to act as a lay midwife in Arkansas unless licensed by the State Board of Health. It is unlawful for any person not licensed as a lay midwife by the State Board of Health to receive compensation for attending births as an LLM, or to indicate that they are licensed to practice lay midwifery in Arkansas, excluding licensed CNMs and licensed physicians.
2. Anyone unlawfully practicing lay midwifery without a license shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for a period of not less than one (1) week nor more than six (6) months, or by fine and imprisonment.
3. The courts of this state having general equity jurisdiction are vested with jurisdiction and power to enjoin the unlawful practice of midwifery in a proceeding by the State Board of Health or any member thereof, or by any citizen of this state in the county in which the alleged unlawful practice occurred or in which the defendant resides, or in Pulaski County.
4. The issuance of an injunction shall not relieve a person from criminal prosecution for violation of the provisions of this chapter, but remedy of the injunction shall be in addition to liability to criminal prosecution.
5. An LLM must use the title "Licensed Lay Midwife" or the initials "LLM" on all materials related to their practice, including all promotional materials.

106. DELEGATION OF LICENSED LAY MIDWIFERY FUNCTIONS

1. An LLM assistant may be engaged by the LLM to complement their work, but shall not be used as a substitute for the LLM.
 - a. Tasks that may be delegated to the LLM assistant before an assessment of the client's care needs is completed by the LLM include:
 - i. Noninvasive and non-sterile tasks if, in the judgment of the LLM, the LLM assistant has the appropriate knowledge and skills to perform the task.
 - ii. The collecting, reporting, and documentation of temperature, weight, intake, output, and contractions, indicating their frequency and duration.
 - iii. Reporting changes from baseline data established by the LLM.
 - iv. Assisting the client with ambulation, positioning or turning.
 - v. Assisting the client with personal hygiene.
 - vi. Reinforcing health teaching planned or provided by the LLM.
 - b. Tasks that must never be delegated to an LLM assistant include, but are not exclusive to, the following:
 - i. The performance of a physical assessment or evaluation.
 - ii. Physical examination which includes - but is not limited to - fetal heart rate auscultation, cervical exams, and blood pressure measurements.
 - iii. The provision of sterile invasive treatments.
 - iv. The administration of any prescription drugs.
 - v. The use of any medical devices.
2. The LLM shall monitor and document the care and procedures performed by any LLM assistant or labor support attendant in the client's medical record.
3. An LLM who has agreed to provide care to a client is held accountable to act according to the standards of care set out in these Rules, until such a time as that care is terminated by the client or the LLM in accordance with these Rules.
4. An LLM may request a registered nurse to perform selected acts, tasks or procedures that are outside the scope of the LLM's practice but which do not exceed the scope of practice of the nurse's license. It is the nurse's responsibility to be informed and act in

accordance with both the Arkansas Nurse Practice Act and the Arkansas State Board of Nursing Rules.

5. An LLM who also holds an Arkansas nursing license is required to act in accordance with the following: the Rules ~~and Regulations~~ Governing the Practice of Licensed Lay Midwifery in Arkansas; the Arkansas Nurse Practice Act - as codified in Ark. Code Ann. § 17-87-101 - and the Arkansas State Board of Nursing Rules as promulgated by the Arkansas State Board of Nursing. An LLM practicing under the scope of her nursing license while acting as an LLM may be referred to the Arkansas State Board of Nursing if any improper conduct is suspected.

107. ADVERTISING

1. ADH permits advertising by LLMs regarding the practice of Licensed Lay Midwifery in accordance with these Rules.
2. No LLM shall disseminate or cause the dissemination of any advertisement or advertising that is in any way false, deceptive, or misleading. Any advertisement or advertising shall be deemed to be false, deceptive or misleading if it:
 - a. Contains a misrepresentation of facts; or
 - b. Makes only a partial disclosure of relevant facts; or
 - c. Contains any representation or claims as to services that the LLM cannot legally perform; or
 - d. Contains any representation, statement, or claim which misleads or deceives; or
 - e. Could lead a reasonably prudent person to believe that the LLM is licensed to practice nursing or medicine when not so licensed in the state of Arkansas.
3. Advertising that crosses into other states must clearly state if any of the services offered are legal only in certain states in which the LLM practices.

108. IMMUNIZATIONS

All LLMs and their apprentices are strongly encouraged to have routine vaccinations to the fullest extent unless contraindicated, and not to rely on the immunization status of others or 'herd immunity' to protect them, their clients, and their families.

109. MIDWIFERY ADVISORY BOARD

The BOH shall establish and appoint the Midwifery Advisory Board (MAB) to advise ADH and the BOH on matters pertaining to the regulation of midwifery.

1. PURPOSE, DUTIES, AND RESPONSIBILITIES:

- a. Reviewing and advising ADH and the BOH regarding the Rules.
- b. Reviewing and advising ADH regarding approval of continuing education units (CEUs).
- c. Reviewing and advising ADH regarding quality improvement data and information.
- d. Serving as community liaisons to educate the public and other providers regarding the practice of midwifery.
- e. Promoting the safe practice of midwifery by addressing issues and concerns regarding the practice of midwifery of ADH, BOH, public consumers of midwifery services, and LLMs.
- f. Reviewing Reports:
 - i. Statistical Reports
 - A. A draft of the annual LLM statistical report will be available to MAB members for comment prior to the presentation to the BOH.
 - B. Up to two (2) MAB members may consult with ADH program staff in determining the plan for the collection of data.
 - ii. Disciplinary Case Reports
 - A. ADH will notify the MAB of all disciplinary hearings taken before the BOH. A copy of the final order will be made available to the MAB.

2. COMPOSITION OF THE MAB

The composition of the MAB will be as follows:

- a. Four (4) Arkansas LLMs
- b. One (1) CNM, currently licensed as a CNM in Arkansas, preferably practicing.
- c. One (1) member at large.
- d. Three (3) public consumers who have either had a midwife-attended birth, are the spouse of someone who has had a midwife-attended birth, or are persons who have been involved in promoting midwifery or home birth in the state of Arkansas.

3. NOMINATION OF MEMBERS

Members of the MAB are appointed by the BOH. The BOH requests nominations from the MAB through ADH. The process for applying to serve on the MAB is as follows:

- a. Individuals interested in either proposing a nomination or serving on the MAB must obtain an “Application for Midwifery Advisory Board Appointment” from the MAB.
 - b. The applicant will complete the application form and submit it to the MAB according to the instructions.
4. TERMS OF MIDWIFERY ADVISORY BOARD MEMBERS
- a. Midwifery Advisory Board (MAB) members shall serve terms of up to four (4) years.
 - b. No member may serve more than two (2) consecutive full terms.
 - c. Members may be eligible for reappointment two (2) years after the date of the expiration of the second full term.
5. ORGANIZATIONAL STRUCTURE OF THE MIDWIFERY ADVISORY BOARD
- a. MAB members shall establish and annually review the By-Laws of the Midwifery Advisory Board.
 - b. Additionally, an organizational chart with delegation of duties of MAB members and officers shall be developed.
 - c. MAB members shall elect a chair, vice-chair and secretary at its first meeting each year that will serve until their successors are elected.
 - d. The MAB will schedule and conduct meetings at least two (2) times a year and at other times, as necessary.

110. CONTINUING EDUCATION ACTIVITIES OF THE MIDWIFERY ADVISORY BOARD

For the purpose of these Rules, the MAB will process the review of continuing education credits by the following criteria:

- 1. The application for review must be received by the MAB at least sixty (60) days prior to the scheduled course date, and shall be submitted simultaneously to ADH.
- 2. The MAB will review and evaluate the application for the continuing education course and make a recommendation to ADH.
- 3. The documentation will be reviewed for appropriate content applicable to the protocols and clinical practice of the Licensed Lay Midwifery program of Arkansas. Each application shall be evaluated on the following criteria:
- 4. Completeness of application;
- 5. Agenda;

6. Intended audience;
7. Method of delivery (lecture, video, correspondence, online, other);
8. Course description and objectives; and
9. Biographical data for each speaker including pertinent education and experience.
10. The recommendation of the MAB shall be submitted in writing for ADH approval, no less than thirty (30) days prior to the scheduled course date. ADH will make the final decision for approval of continuing education courses, after consideration of timely received MAB recommendations. All final decisions by ADH denying approval for continuing education courses may be appealed to the Arkansas State BOH within thirty (30) days of receiving the denial.

200. LICENSING

1. An LLM license, valid for up to three (3) years, is issued upon application and favorable review. Application materials and instructions are available from the ADH website or by contacting the ADH Women's Health Section for assistance.
2. Unless otherwise specified by these Rules, individuals who wish to become licensed as an LLM in Arkansas are required to have either current NARM CPM certification, current certification by the American Midwifery Certification Board as a CNM or CM, or current certification deemed equivalent and approved by ADH.
3. LLMs seeking renewal of their license must have current CPM, CNM or CM certification unless they were licensed continuously prior to these Rules and have never been certified as a CPM. Those LLMs may renew their license by showing documentation of CEUs as required in Section 202 #2d and completing the renewal application process.
4. It is the responsibility of the LLM to ensure their credentials and certifications are current at all times. These include - but are not limited to - CPM, CPR, and neonatal resuscitation. The licensee must provide documentation upon request.
5. LLMs who receive a CPM or MBC must provide verification with initial application and for license renewal, or within thirty (30) days of initial certification. A notarized copy of the certificate or a verification letter sent directly from NARM must be submitted to ADH.
6. In the event of a lapse or revocation of any licensure or certification held the LLM must notify ADH within thirty (30) days of revocation.

7. If the name used on the application is not the same as that on any of the supporting documentation, the applicant must submit proof of name change with application.
8. Apprentices who hold a valid permit prior to the effective date of these Rules will follow the requirements for licensure found in Appendix B: Transitional Provisions and Forms.
9. If an application for licensure or renewal is denied, the applicant may appeal that denial to the Arkansas State BOH with thirty (30) days of receipt of the denial.

201. ELIGIBILITY REQUIREMENTS FOR INITIAL LICENSURE

Applicants for initial licensure must meet the following requirements, except for those noted in Section 200. #3:

1. An applicant for an initial license to practice midwifery shall submit:
 - a. A completed application, provided by ADH.
 - b. A passport style and size photo of the applicant, head and shoulders, taken within sixty (60) days prior to the submission date of the application and attached to the application.
 - c. A copy of one of the following documents that demonstrates the applicant is twenty-one (21) years of age or older:
 - i. The applicant's birth certificate.
 - ii. The applicant's U.S. passport, U.S. Driver's License, or other state-issued identification document.
 - iii. Any document issued by federal, state or provincial registrar of vital statistics showing age.
 - d. Documentation of a high school diploma or its equivalent, and documentation of the highest degree attained after high school. This documentation should include the name of the issuing school or institution and the date issued.
 - e. Documentation that applicant is certified by NARM as a CPM or by the American Midwifery Certification Board (AMCB) as a CNM or a CM, or holds a certification deemed equivalent and approved by ADH. Documentation may be received in the form of a verification letter directly from the credentialing body or a notarized copy of the applicant's credential. ADH may request additional documentation to support applicants' qualifications or certifications. It is the responsibility of the licensee to ensure relevant credentials are current at all times and documentation must be provided upon request.

- f. If applicable, documentation that applicant holds an MBC issued by NARM. Documentation may be received in the form of a verification letter directly from the certifying body or a notarized copy of the applicant's certificate.
 - g. A list on the application form of all current professional health-related licensure including those from other jurisdictions. ADH may request verification.
2. Upon satisfactory review of the application by ADH, the applicant:
- a. Shall take the Arkansas Rules Examination, which will be administered at ADH, three (3) times each year on dates chosen and publicized by ADH .
 - b. Shall provide proof of identity upon request in the form of a government-issued photographic identification card at the time of testing.
 - c. Shall receive a written notice of examination results. If the applicant scores 80% or higher on the Arkansas Rules Examination, a license will be issued.
 - d. Shall be permitted to re-test if their score is below 80%.
3. All final decisions by ADH denying issuance of license may be appealed to the Arkansas State BOH pursuant to the Arkansas Administrative Procedures Act.
4. Prohibiting Criminal Offenses
- a. An individual is not eligible to receive or hold a license issued by the ADH if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-2-102 et. seq. by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.
 - b. ADH may grant a waiver as authorized by Ark. Code Ann. § 17-2-102 in certain circumstances.
 - c. For the purpose of issuing a lay midwife license, ADH is not authorized to conduct criminal background checks, but may inquire about criminal convictions upon application or renewal of a license. Any applicant or licensee which provides false information to ADH regarding a criminal conviction may be subject to suspension, revocation or denial of a license.
5. Pre-Licensure Prohibiting Offense Determination
- a. 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.
 - b. The individual must obtain the pre-licensure criminal background check petition form from Appendix A of these Rules.

- c. ADH will respond with a decision in writing to a completed petition within a reasonable time.
- d. ADH response will state the reason(s) for the decision.
- e. All decisions of ADH in response to the petition will be determined by the information provided by the individual.
- f. Any decision made by ADH in response to a pre-licensure criminal background check petition is not subject to appeal.
- g. ADH will retain a copy of the petition and response and it will be reviewed during the formal application process.

202. RENEWAL

1. Licenses expire on August 31 of the renewal year, and applications and documentation must be submitted by July 2 of the renewal year to be timely. Renewal will only occur upon receipt of application and favorable review of required activity reports by ADH. This review will ensure that the LLM has acted in accordance with these Rules.
2. Applications for renewal for LLMs who have been continuously licensed in the State of Arkansas prior to the effective date of these Rules, and who have never received certification as a CPM, must include:
 - a. A completed application for renewal provided by ADH.
 - b. A copy of both sides of current certification in adult and infant cardiopulmonary resuscitation (CPR). Approved CPR courses include the American Heart Association and the American Red Cross. **Note:** Only certification from courses which include a hands-on skills component are accepted. Online-only courses are not accepted. It is the responsibility of the licensee to ensure this certification is current at all times and documentation must be provided upon request
 - c. A copy of both sides of current certification in neonatal resuscitation through a course approved by NARM. **Note:** Only certification from courses which include a hands-on skills component are accepted. Online-only courses are not accepted. It is the responsibility of the licensee to ensure this certification is current at all times and documentation must be provided upon request
 - d. Documentation of thirty (30) hours of continuing clinical education within the past three (3) years. Continuing Education Units (CEUs) and contact hours will be approved according to the following guidelines:
 - i. A maximum of five (5) hours may be granted for documented peer review.

- ii. CPR or neonatal resuscitation courses may not be used as part of your CEU totals.
 - iii. Workshops or conferences relevant to the clinical practice of midwifery in Arkansas that are sponsored by the following organizations are pre-approved by the Licensed Lay Midwifery Advisory Board for CEUs:
 - A. American College of Nurse Midwives
 - B. American College of Obstetrics and Gynecology
 - C. Arkansas Department of Health
 - D. International Childbirth Education Association
 - E. La Leche League International
 - F. University of Arkansas for Medical Sciences
 - G. Midwifery Education Accreditation Council (MEAC)
 - H. Any state Nurses Association
 - I. Arkansas Osteopathic Medical Schools
3. Applications for renewal for the LLM licensed by ADH and certified as a CPM, CNM or CM or having a certification previously approved by ADH (Section 201.#1.e.) must include:
- a. A completed application for renewal in a format provided by ADH.
 - b. Proof that the relevant credential is current. Documentation may be received in the form of:
 - i. Verification letter sent directly from the certifying agency, or
 - ii. Notarized copy of the certificate.
 - c. A list of all professional health-related licensure in other jurisdictions on the renewal application. ADH may request verification.
 - d. ADH may request additional documentation to support applicants' qualifications or certifications. It is the responsibility of the licensee to ensure relevant credentials are current at all times and documentation must be provided upon request.
4. The state Arkansas Rules Examination must be taken for each licensing period within one hundred and eighty (180) days prior to the expiration of the midwifery license. A score of eighty percent (80%) or higher must be achieved. The test for renewal of licenses will be available on the ADH website or by contacting the ADH Women's Health section for information. The applicant must submit a copy of the certificate of completion with the application for license renewal.
5. All final decisions by ADH denying renewal of license may be appealed to the Arkansas State BOH pursuant to the Arkansas Administrative Procedures Act.

203. GROUNDS FOR DENIAL OF APPLICATION, DISCIPLINE, SUSPENSION, OR REVOCATION OF LICENSE

ADH may refuse to issue, suspend or revoke a license for violation of the Licensed Lay Midwife Act or any provision of these Rules, including - but not limited to - any of the following reasons:

1. Securing a license or permit through deceit, fraud, or intentional misrepresentation.
2. Submitting false or misleading information to ADH, the BOH, or the MAB.
3. Practicing midwifery on expired credentials.
4. Knowingly making or filing a false report or record, intentionally or negligently failing to file a report or record required by these Rules, or willfully impeding or obstructing such filing.
5. Failure to submit requested midwifery records in connection with an investigation.
6. Engaging in unprofessional conduct or dereliction of any duty imposed by law, which includes - but is not limited to - any departure from, or failure to conform to, the standards of the practice of midwifery as established by these Rules.
7. Revocation of CPM certification by NARM.
8. Permitting another person to use the licensee's license or permit.
9. Knowingly or negligently employing, supervising, or permitting (directly or indirectly) any person to perform any work not allowed by these Rules.
10. Obtaining any fee by fraud or misrepresentation.
11. Knowingly or negligently allowing an LLM apprentice to practice midwifery without a supervising preceptor present, except in an emergency.
12. Using, causing, or promoting the use of any advertising material, promotional literature, or any other representation - however disseminated or published - which is misleading or untruthful.
13. Representing that the service or device of a person licensed to practice medicine will be used or made available when that is not true, or using the words "doctor", "registered nurse", "Certified Nurse Midwife" or similar words, abbreviations, acronyms or symbols including MD (Medical Doctor), DO (Doctor of Osteopathic Medicine), RN (Registered Nurse), CNM, CM, APRN (Advanced Practice Registered Nurse), RNP (Registered Nurse Practitioner), EMT (Emergency Medical Technician) or paramedic, falsely implying involvement by such a medical professional.

14. Use of the designation “birth center” or “birthing center” in reference to the LLM’s home or office, or charging facility fees for delivery in a “birth center” or “birthing center”, unless that center is licensed as such in compliance with the requirements set forth by the Rules and Regulations for Free-Standing Birthing Centers.
15. Violation of the Arkansas Legend Drugs and Controlled Substances Law, A.C.A. §§ 20-64-501 et seq., or the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq.
16. Displaying the inability to practice midwifery with reasonable skill and safety because of illness, disability, or psychological impairment.
17. Practicing while knowingly suffering from a contagious or infectious disease that may be transmitted through the practice of midwifery.
18. Practicing midwifery while under the influence of any intoxicant or illegal drug.
19. Judgment by a court of competent jurisdiction that the individual is mentally impaired.
20. Disciplinary action taken by another jurisdiction affecting the applicant’s legal authority to practice midwifery in that jurisdiction.
21. Disciplinary action taken by another licensing or credentialing body due to negligence, willful disregard for patient safety, or other inability to provide safe patient care.
22. Gross Negligence.
23. Conviction of a felony.
24. Failure to comply with an order issued by the Arkansas State BOH or a court of competent jurisdiction.
25. Practicing outside the scope of practice and protocols as outlined in these Rules.

204. DISCIPLINARY ACTIONS

Suspected cases involving violation of the Licensed Lay Midwifery Act or these Rules may be referred by ADH to the BOH for a hearing, according to the Arkansas Administrative Procedures Act. If the BOH finds that a person holding a license or permit has violated the Licensed Lay Midwifery Act or these Rules’ sanctions, which include - but are not limited to - the following, may be imposed:

1. Revocation of license or permit.

2. Suspension of a license or permit for a determinate period of time.
3. Written or verbal reprimand of a licensee or permit holder.
4. Probation of license or permit.
5. Limitations or conditions on the practice of a person holding a license or permit.
6. Continuing education requirements to address known deficiencies.
7. Fines as imposed by the BOH under their general authority to regulate.

ADH will notify licensee of any actions to be imposed. Decisions may be appealed to the Circuit Court pursuant to the Arkansas Administrative Procedures Act.

Any applicable certification or licensing agencies will be notified of final actions on licenses including - but not limited to - NARM and any states where the midwife holds a license.

205. INACTIVE STATUS

Inactive status is automatic on the day after the license expires. LLMs who do not maintain a current license will be considered inactive. Inactive status may be maintained for up to three (3) years. An LLM with inactive status may not practice midwifery until the license is reactivated. To reactivate a license with inactive status, the applicant must:

1. Submit a copy of their current CPM, CNM, or CM credential or, if the applicant was licensed prior to the effective date of these Rules, document additional continuing education credits totaling ten (10) hours for each year of inactive status,
2. Submit current CPR certification,
3. Submit current NARM-approved neonatal resuscitation certification, and
4. Take the Arkansas Rules Examination and achieve a score of eighty percent (80%) or higher.

206. REACTIVATION OF EXPIRED LICENSE

After three (3) years, a license in inactive status automatically expires. To become re-licensed the applicant must successfully fulfill all of the requirements for initial licensure as outlined in Section 201.

207. APPRENTICESHIPS

Apprentices who hold a valid permit prior to the effective date of these Rules will follow the requirements found in Appendix B; Transitional Provisions and Forms.

An LLM will be responsible for notifying ADH of any apprentices accepted under their supervision within thirty (30) days of signing, but prior to the apprentice providing any services. The ADH Preceptor-Apprentice Agreement form (found in Appendix A or available on the ADH website) shall be used for this notification. Preceptors must meet all NARM preceptor requirements. Any changes in the apprentice's contact information must be provided to ADH by the LLM within thirty (30) days of the status change. If the apprentice is still under the LLM's supervision after three (3) years, the LLM must complete a new form indicating this status.

Should the Preceptor-Apprentice Agreement be terminated by either party, it is the responsibility of both parties to notify ADH immediately. An apprentice must not continue to perform under any preceptor(s) unless a new signed Preceptor-Apprentice Agreement is on file with ADH. A signed Preceptor-Apprentice Agreement for every preceptor under whom an apprentice trains must be signed and sent to ADH.

Apprentices shall follow all applicable Arkansas laws and these Rules.

Apprentices are required to comply with all provisions of HIPAA (Health Insurance Portability and Accountability Act).

208. LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING MILITARY VETERANS, AND THEIR SPOUSES

As used in this subsection "automatic licensure" means granting the occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity.

As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

Pursuant to Act 820 of 2019, automatic licensure will be granted based on substantially equivalent licensure in another U.S. jurisdiction. Refer to Section 201.1.e of these Rules for all certifications deemed substantially equivalent.

1. ADH shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:
 - 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 discharge from active duty; or
 - c. The spouse of a person listed in Section 208.1 a., or b.
2. ADH shall grant such automatic licensure upon receipt of all of the below:

- a. Evidence that the individual holds a substantially equivalent license in another state; and
 - b. Evidence that the applicant is a qualified applicant under Section 208.1 a., b., or c.; and
 - c. The applicant shall hold his or her occupational licensure in good standing;
 - 1. The applicant shall not have had a license revoked for:
 - a. An act of bad faith; or
 - b. A violation of law, rule, or ethics;
 - 2. The applicant shall not hold a suspended or probationary license in a United States jurisdiction.
 - d. A completed application, provided by ADH.
 - e. A passport style and size photo of the applicant, head and shoulders, taken within sixty (60) prior to the submission date of the application and attached to the application.
 - f. If applicable, documentation that applicant holds an MBC issued by NARM. Documentation may be received in the form of a verification letter directly from the certifying body or a notarized copy of the applicant's certificate.
 - g. A list on the application form of all current professional health-related licensure, including those from other jurisdictions. ADH may request verification.
3. All applicants who are licensed pursuant to Section 208 must adhere to all LLM protocols as outlined in these Rules.

209. RECIPROCAL LICENSURE

Pursuant to Act 1011 of 2019, reciprocal licensure will be granted based on substantially equivalent licensure in another U.S. jurisdiction. Refer to Section 201.1.e of these Rules for all certifications deemed substantially equivalent.

1. Reciprocity

- a. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
 - i. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - 1. Refer to Section 201.1.e of these Rules for all certifications deemed substantially equivalent.
 - 2. The applicant shall hold his or her occupational licensure in good standing;
 - 3. The applicant shall not have had a license revoked for:
 - a. An act of bad faith; or
 - b. A violation of law, rule, or ethics;
 - 4. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 - ii. The applicant shall be sufficiently competent in the lay midwifery; and
 - iii. The applicant will provide documentation to ADH verifying current certification is held as required by Section 201.1.e.
- b. Required documentation. An applicant shall submit the documentation described below:

- i. A completed application, provided by ADH.
- ii. A passport style and size photo of the applicant, head and shoulders, taken within sixty (60) prior to the submission date of the application and attached to the application.
- iii. A list on the application form of all current professional health-related licensure, including those from other jurisdictions. ADH may request verification.
- iv. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas', the applicant shall submit the following information:
 - 1. Evidence of current and active licensure in that state. ADH may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board; and
 - 2. Evidence that the other state's licensure requirements match those listed in Section 201.1.e. ADH may verify this information online or by telephone to the other's state's licensing board.
- v. To demonstrate that the applicant meets the requirements in Section 209.2.a.i.2-4, the applicant shall provide ADH with:
 - 1. The names of all states in which the applicant is currently licensed or has been previously licensed;
 - 2. 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 the reasons listed in Section 209.2.a.i.3 and does not hold a license on suspended or probationary status as described in Section 209.2.a.i.4. ADH may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board.
- vi. As evidence that the applicant is sufficiently competent in the field of lay midwifery, an applicant shall:
 - 1. Provide documentation to ADH verifying current certification is held as required by Section 201.1.e.
 - 2. If applicable, documentation that applicant holds an MBC issued by NARM. Documentation may be received in the form of a verification letter directly from the certifying body or a notarized copy of the applicant's certificate.

2. Temporary License

- a. ADH shall issue a temporary license immediately upon receipt and satisfactory review of the application and the documentation required under Section 209.1.b.
- b. The temporary license shall be effective for ninety (90) days or until ADH makes a decision on the application, unless ADH determines that the applicant does not meet the requirements in Section 209.2.a-b, in which case the temporary license shall be immediately revoked.
- c. An applicant may provide the rest of the documentation required in Section 201 in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary license.

- d. Upon issuance of a temporary license, the applicant will have up to ninety (90) days to successfully complete the Arkansas Rules Examination as specified in Section 201.2.
 - e. Upon successful completion of the Arkansas Rules Examination, the applicant will be issued a standard Arkansas Lay Midwife License valid for up to three (3) years.
 - f. All standard license holders will follow the renewal process outlined in Section 202 of these Rules.
 - g. If the applicant does not successfully complete the Arkansas Rules Examination within ninety (90) days of issuance of a temporary and provisional license, the temporary license will be considered invalid.
 - h. If the applicant scores less than 80% on the Arkansas Rules Examination, the temporary license will be considered invalid.
 - i. A temporary license cannot be reissued or extended.
 - j. The applicant must successfully complete the Arkansas Rules Examination as specified in Section 201.2 in order to obtain a standard Arkansas Lay Midwife License.
- 3. License for person from a state that doesn't license profession. Applicants from another U.S. jurisdiction where substantially equivalent licensure is not available, refer to Section 201 for licensure requirements.
- 4. All applicants who are licensed pursuant to Section 209 must adhere to all LLM protocols as outlined in these Rules.

300. PROTOCOLS

The LLM must adhere to the LLM protocols as outlined in these Rules.

301. REQUIREMENTS FOR LICENSED LAY MIDWIFERY PRACTICE

The following requirements must be met before a LLM can legally accept a client.

- 1. Licensing – The LLM must possess a current Arkansas Lay Midwife License,. See Section 200.
- 2. Disclosure Form - At the time a request is made for care, the LLM must discuss certain information concerning LLM assisted home deliveries with the client. This discussion must be documented by use of the disclosure form (found in Appendix A or available on the ADH website). It must be signed and dated by the client at the same time the LLM and client enter into an agreement for services and sign a contract. This form must be filed in the client's medical record and noted on the next caseload and birth report log sent to ADH by the LLM.
- 3. Emergency Plan – As part of the disclosure form, an individual emergency plan must be established by the LLM and client. The plan must include:

- a. The name and contact information of the physicians that will be consulted for the mother and the newborn;
- b. The arrangements for transport from the delivery site to a hospital, if needed;
- c. The hospital with obstetric services, or the hospital where the physician or CNM has obstetric privileges, that will be used for transport, which must be located within fifty (50) miles of the delivery site; and
- d. The nearest hospital to the delivery site.

301.01 TERMINATION OF CARE

An LLM shall terminate care of a client only in accordance with this section unless a transfer of care results from an emergency situation.

1. Once the LLM has accepted a client, the relationship is ongoing and the LLM cannot refuse to continue to provide midwifery care to the client unless:
 - a. The client has no need of further care;
 - b. The client terminates the relationship; or
 - c. The LLM formally terminates the relationship due to a provision of these Rules or for any other reason.
2. The LLM may terminate care for any reason by:
 - a. Providing a minimum of thirty (30) days' written notice, during which time the LLM shall continue to provide midwifery care until the client is able to select another health care provider. If continuing care would cause the LLM to violate these Rules, care can be terminated by the LLM without giving thirty (30) days' notice. Justification for this action must be documented in the client's record;
 - b. Attempting to tell the client in person and in the presence of a witness of the LLM's wish to terminate care. If the client will not meet with the LLM, the LLM must document that the attempt was made and how it was made;
 - c. Providing the client with referrals to other healthcare providers; and
 - d. Documenting the termination of care in the client medical record and submission of an ADH incident report.

301.02 TRANSFER OF CARE

If a transfer of care recommendation occurs during labor, delivery, or the immediate postpartum period, and the client refuses transfer the midwife shall call 911 and

provide further care as indicated by the situation. If the midwife is unable to transfer to a health care professional, the client will be transferred to the nearest appropriate health care facility. The midwife shall attempt to contact the facility and continue to provide care as indicated by the situation.

302. PROTOCOL FOR REQUIRED ANTEPARTUM CARE

302.01 RISK ASSESSMENT(S):

Risk assessments shall be performed by a physician, a CNM or an ADH clinician. The purpose of these visits is to ensure that the client has no potentially serious medical conditions and has no medical contraindications to home birth. Each risk assessment must be filed in the client's medical record.

The risk assessments must be comprehensive enough for the LLM to identify potentially dangerous conditions that may preclude midwifery care, or that require physician or CNM consultation.

Each client must be evaluated by a physician, a CNM, or an ADH clinician at the following times:

1. At or near the time care is initiated with the LLM, and the evaluation must include the Required Antepartum Services listed in Section 302.02.
2. At or near the 36th week of gestation and must include:
 - a. Review of the client's complete prenatal record;
 - b. Review of the results of all prenatal testing;
 - c. Interval medical and obstetric history;
 - d. Review of systems;
 - e. Pertinent physical examination, including:
 - i. Measurements of blood pressure, weight
 - ii. Fundal height
 - iii. Estimated gestational age
 - iv. Fetal presentation/position; and
 - f. Group B Strep testing, according to ADH approved guidelines.

3. Between 41 weeks 0/7 days and 42 weeks 0/7 days of gestation, the requirements for the 36th week assessment shall be repeated and may include additional tests or procedures. A documented plan for care beyond 42 weeks 0/7 days gestational age must be submitted to ADH as an additional required incident report. If a referral or this risk assessment is not made, or if the clinician advises against home delivery, the client must be transferred.
4. The LLM is responsible for reviewing the risk assessment data and insuring that her client is low risk for home delivery. The LLM must base her decision on all information, results and recommendations received from the clinician performing the risk assessment, including any statement in the client's record by a physician, CNM or ADH clinician indicating that the client is NOT suitable for home birth.

302.02 REQUIRED ANTEPARTUM SERVICES AT OR NEAR THE INITIATION OF CARE

The LLM must ensure each client receives the following services at or near the initiation of care from a physician, CNM, or ADH clinician. Exceptions to these required services are at the discretion of the physician, CNM, or ADH clinician who performs the risk assessment and must be documented in the client's medical record.

1. Medical, obstetric and nutritional history. The history must be comprehensive enough to identify potentially dangerous conditions that may preclude midwifery care, or that require physician or CNM consultation.
2. A physical examination comprehensive enough to identify potentially dangerous conditions that may preclude midwifery care.
3. Estimation of gestational age.
4. Measurements of blood pressure, height and weight.
5. Prenatal Testing:
 - a. Pap test/HPV test.
 - b. Test for Gonorrhea and Chlamydia.
 - c. Blood sample for blood group and Rh determination and antibody screen.
 - d. CBC with platelets or hematocrit or hemoglobin.
 - e. Test for Syphilis.
 - f. Urine culture.

- g. Blood Sugar: test according to national standards as approved by ADH and available on the ADH website.
- h. Hepatitis B test.
- i. Counsel client concerning maternal serum genetic testing, if before 20 weeks gestation.
- j. Rubella test if previous immunity not documented.
- k. HIV counseling and test.

302.03 COLLECTION OF LABORATORY SPECIMENS

For LLMs who are trained in the collection of laboratory specimens and collect the specimens themselves, the specimens must be submitted to a standard lab. The reports and test results must be sent for review and interpretation by a physician, CNM or ADH clinician. All reports and test results, including reviews and interpretations, must be recorded in the client record.

If blood sugar testing is performed by the LLM, they shall use only an FDA approved device for CLIA (e.g. HemoCue Blood Glucose Analyzer), and follow the ADH approved standards for diabetes testing. The results of all testing must be interpreted by a physician, CNM, or ADH clinician within ten (10) days.

302.04 ROUTINE ANTEPARTUM LLM CARE

1. Frequency of Visits

Routine antepartum visits must be made approximately every four (4) weeks during the first 28 weeks of gestation, approximately every two (2) weeks from the 28th to 36th weeks, and weekly thereafter until delivery.

2. Routine Visit Services

At each visit the LLM will perform and record the following services:

- a. Weight.
- b. Blood pressure.
- c. Fundal height.
- d. Determination of fetal position.
- e. Urine testing for glucose, protein, and nitrites.
- f. Fetal heart rate.

- g. Medical and nutritional history since last visit.
- h. Check for edema of legs, face or hands.

302.05 REQUIRED ANTEPARTUM SERVICES AT 24 TO 28 WEEKS GESTATION

1. Except for women with known gestational diabetes all women must be screened for gestational diabetes between 24-28 weeks according to national standards approved by ADH.
2. All women with negative Rh factor must be treated as follows:
 - a. Repeat antibody screening at 28 weeks. If it is negative, advise client that an Rh immunoglobulin injection is recommended. If the client is enrolled in a local health unit maternity clinic, Rh immunoglobulin can be administered at the clinic, otherwise she must be referred to a physician or CNM to obtain the Rh immunoglobulin.
 - b. If antibody screen is positive, refer the client or consult a physician or CNM as soon as possible.
 - c. If client declines Rh immunoglobulin, repeat antibody screening must be performed at 28 weeks and the LLM is responsible for providing the client with written information provided by ADH outlining the risks of isoimmunization and the benefits of Rh immunoglobulin. A copy of the signed refusal form needs to be documented and filed in the client's record.
3. Testing for CBC with platelets.

302.06 REQUIRED ANTEPARTUM SERVICE AT 35 TO 37 WEEKS GESTATION

Screening for Group B Strep according to ADH approved guidelines available on the ADH website.

302.07 ANTEPARTUM PREPARATION FOR HOME BIRTH

1. Pre-Delivery Home Visit

The LLM is required to make, prior to delivery, at least one visit to the home where the birth will take place.

The LLM should inform the client of the equipment and supplies that must be available at the time of delivery. She should instruct the client and family of requirements for an aseptic delivery site.

2. Obtaining ADH Newborn Care Package

The Newborn Care Package provided by ADH contains the required newborn medications and other necessary items and is available to all LLM clients. If the mother chooses to obtain the newborn care package from ADH, she must notify the local health unit in sufficient time to allow the local health unit one month to obtain the care package.

3. Obtaining Medications for Newborn

- a. The LLM must advise the client that the newborn may need either Erythromycin 0.5% Ophthalmic or Tetracycline 1.0% Ophthalmic in individual dose packaging for newborn eye care. The mother may obtain one of these medications before 37 weeks 0/7 days of the pregnancy either by prescription from a private physician, CNM or other licensed prescriber, or by prior arrangement with a local health unit.
- b. The LLM must advise the client that the newborn should receive Vitamin K within two (2) hours of birth. The medication should be obtained by prescription before 37 weeks 0/7 days of pregnancy from a private physician, CNM or other licensed prescriber or by prior arrangements with a local health unit.
- c. The LLM must advise the client that:
 - i. All medications must be administered to the newborn by a person licensed by the state of Arkansas to administer medications (nurse, physician), and that prior arrangements should be made in order to assure the licensed person will be available to administer the medications soon after birth, or
 - ii. The client has the option to administer the medications to her newborn with instructions from the licensed prescriber (physician, CNM, or ADH clinician), or
 - iii. The client has the option to allow the LLM to act as her agent to administer to her newborn the following medications:
 - A. Erythromycin 0.5% Ophthalmic or Tetracycline 1.0% Ophthalmic.
 - B. Vitamin K, only allowed to be administered orally by the LLM.

4. Obtaining Intrapartum and Postpartum Medications for Mothers

The LLM will discuss with her client the protocol for each of the following medications that require the client to make arrangements to obtain the prescriptions and establish a plan for the administration of medications prior to the onset of labor:

- a. Rh immunoglobulin for Rh negative mothers with an Rh positive newborn
- b. GBS prophylaxis according to ADH approved guidelines.
- c. Benzocaine (14%) available in gel form, solution or spray that may be used for the repair of 1st and 2nd degree lacerations by the LLM after birth.

5. Preparing Bottle-feeding Mothers

- a. For the client planning to bottle feed her newborn, commercially prepared, client-selected formula shall be available for an initial feeding within the first two to three hours after birth.
- b. Client-selected formula must be available for newborn feedings.

6. Education of Client for Required Genetic/Metabolic Screening

The LLM is responsible for advising the client of the law that requires newborn screening (A.C.A. § 20-15-302) and the procedure for conducting newborn screening. Information is available on the ADH website.

7. Completion of Newborn Hearing Screening

The LLM is responsible for advising the client of the newborn infant hearing screening law (A.C.A. § 20-15-1101 et seq.) and the available resources to obtain the newborn hearing screen. Information is available on the ADH website.

8. Preparation for Well-Baby Care

The LLM is responsible for advising the mother that beyond the first fourteen (14) days of life, the LLM is no longer responsible and the mother should seek further care from a physician or an APRN specializing in the care of infants and children. This does not preclude the LLM from providing counseling regarding routine newborn care and breastfeeding.

9. Preparation for Secondary Prevention of Newborn Early-Onset Group B Strep Disease

The LLM shall advise the mother of the necessity for newborn evaluation by a physician within 24 hours of birth when:

- a. Maternal GBS status is unknown and membranes are ruptured in labor > 18 hours before birth. Refer to Section 309.02 (8).

- b. The mother has indications for GBS prophylaxis in labor, regardless of adequate antibiotic treatment prior to birth and regardless of the presence or absence of symptoms of illness. Refer to Section 303.03 (2).

303. PROTOCOL FOR ANTEPARTUM CONDITIONS REQUIRING INTERVENTION

Each client is to have a risk assessment (see Section 302.01) documented by a physician, CNM, or ADH clinician at or near the initiation of care and again around the 36th week. The following sections detail the actions to be followed by the LLM if the client exhibits or develops one of the specified conditions. The LLM will refer women for medical evaluation as soon as possible after the condition is identified. The LLM is expected to use /their judgment regarding the need for consultation, referral, or transfer when problems arise that are not specified in these Rules. In addition to the birth log, such care will be documented on an incident report and submitted to ADH.

303.01 CONDITIONS PRECLUDING MIDWIFERY CARE

The following conditions preclude midwifery care and the client must be transferred to a physician, CNM, or ADH clinician upon diagnosis. There may be additional high-risk conditions judged by either a physician, CNM, ADH clinician, or LLM that could also preclude midwifery care.

1. Previous cesarean delivery
2. Multiple gestation
3. Documented placenta previa in the third trimester
4. Insulin-dependent diabetes
5. Pregnancy that extends beyond 42 weeks 0/7 days gestational age unless there is a third risk assessment and a documented plan of care submitted to ADH. If the clinician advises against home delivery, the client must be transferred.

303.02 PRE-EXISTING CONDITIONS REQUIRING ANTEPARTUM CONSULTATION, REFERRAL, OR TRANSFER OF CARE

If any of the following pre-existing conditions are identified the client must be examined by a physician, CNM, or ADH clinician. A plan of care for the condition must be established, including a plan of for transfer of care if indicated, and execution of the plan of care must be documented. Midwives caring for these clients will be required to submit additional incident reports to ADH. If a referral is not made or if the clinician advises against home birth, the care must be transferred to a physician or CNM.

1. Heart disease

2. Epilepsy
3. Diabetes
4. Neurological disease
5. Sickle cell or other hemoglobinopathies
6. Cancer
7. Psychiatric disorders
8. Active tuberculosis
9. Chronic pulmonary disease
10. Thrombophlebitis
11. Endocrinopathy
12. Collagen vascular diseases or other severe collagen disease
13. Renal disease
14. Hypertension
15. Drug or alcohol use during current pregnancy
16. Significant congenital or chromosomal anomalies
17. History of postpartum hemorrhage not caused by placenta previa or abruption
18. Rh negative isoimmunization (positive Coombs)
19. Structural abnormalities of the reproductive tract including fibroids
20. HIV positive or AIDS
21. Previous infant with GBS disease
22. History of unexplained perinatal death
23. History of seven (7) or more deliveries
24. Maternal age greater than or equal to forty (40) at estimated date of delivery

25. Previous infant weighing less than five (5) pounds or more than ten (10) pounds
26. Previous surgery involving the uterus or cervix.
27. Pregnancy termination or loss $\geq$ three (3)

303.03 ANTEPARTUM CONDITIONS REQUIRING CONSULTATION, REFERRAL OR TRANSFER OF CARE

If any of the following antepartum conditions are identified, a physician/CNM consultation, referral or transfer is required and the client must be examined by a physician or CNM currently practicing obstetrics. ADH clinicians may accept referrals per ADH protocol. A plan of care for the condition must be established, and execution of the plan must be documented. Midwives caring for these clients shall submit additional required incident reports to ADH. If a referral is not made or if the clinician advises against home delivery the client must be transferred immediately to a physician or CNM.

1. A sudden decrease in fetal movement or kick count of less than 10 per hour after 27 weeks 6/7 days.
2. Group B Strep Prophylaxis Indications. CDC approved Group B Strep intrapartum prophylaxis (per ADH approved guidelines) must be obtained for the clients listed below (A-D). Clients who refuse antibiotics will be transferred from midwifery care to a physician for hospital care unless a physician agrees to supervise the LLM care of the client. The plan of care agreed to by the physician and the LLM must be documented and submitted as an incident report to ADH.
 - a. Clients who test positive for Group B Strep in the urinary tract at any time in the current pregnancy (regardless of repeated testing that is negative for Group B Strep). Vaginal/rectal testing for Group B Strep is not indicated when the urine testing is positive for Group B Strep in the current pregnancy.
 - b. Clients who test positive for Group B Strep in the vagina or rectum at any time in the current pregnancy (regardless of repeated testing that is negative for Group B Strep).
 - c. Clients with positive history of birth of an infant with early-onset Group B Strep disease.
 - d. Clients with antepartum Group B Strep culture status that is unknown at the time of labor onset and:
 - i. Temperature in labor ($\geq$ 100.4 degrees F); or

- ii. Rupture of membranes > 16 hours (Refer to 305.01 Immediate Transport #12). Prophylactic antibiotics are indicated by 18 hours of ruptured membranes; or
 - iii. Preterm labor (< 37 weeks 0/7 days of gestation)
- 3. Cervical effacement or dilatation prior to 37 weeks 0/7 days
- 4. Late term pregnancy greater than 41 weeks 0/7 days. The third risk assessment is required between 41 weeks 0/7 days and 42 weeks 0/7 days, and transfer of care may be required depending on results. (Section 302.01. #3)
- 5. Genital herpetic lesions
- 6. Clients with a previous preterm delivery must be co-managed until 37 weeks 0/7 days
- 7. Suspected or confirmed fetal death
- 8. Vaginal bleeding heavier than a normal period
- 9. Persistent or significant weight loss after the first trimester
- 10. Abnormal weight gain
- 11. Symptoms of vaginitis refractory to treatment
- 12. Symptoms of UTI refractory to treatment
- 13. Hematocrit of < 30 or hemoglobin of < 10, or platelets < 100,000
- 14. Hyperemesis with weight loss
- 15. Two blood pressure readings at least one hour apart of systolic ≥ 140 or diastolic ≥ 90
- 16. Size/date discrepancy of three (3) or more weeks on two (2) successive exams
- 17. Positive antibody screen
- 18. Abnormal Pap test
- 19. Sexually transmitted infection
- 20. Ruptured membranes without onset of labor within 24 hours and Group B Strep testing is negative. Refer to Section 303.03 (2) for mothers that are GBS positive or have unknown GBS status.

21. Signs and symptoms of pre-eclampsia
22. Fetal heart rate below 110 bpm or above 160 bpm
23. Spontaneous rupture of membranes prior to 37 weeks 0/7 days
24. Gestational Diabetes, as defined by ADH approved guidelines
25. Rh negative mothers with abdominal trauma, with or without antepartum bleeding.
26. Position other than vertex any time after 35 weeks 6/7 days

304. PROTOCOL FOR REQUIRED INTRAPARTUM CARE

304.01 INITIAL LABOR ASSESSMENT

As soon as possible but within one (1) hour following the onset of active labor (5-6 cm with regular and painful contractions) or as soon as possible but within one hour following the pre-labor rupture of membranes, the LLM must assess and record:

1. Physical conditions including temperature, pulse, respiration, blood pressure and urinalysis for glucose and protein.
2. Labor status including assessment of contractions, status of membranes, cervical dilatation and effacement.
3. Fetal position, station, size, presenting part and heart rate. Establish a fetal heart rate baseline by checking rate and rhythm every 15 minutes for the first hour of observation.
4. In case of suspected pre-labor rupture of membranes, avoid digital exams unless the client is in active labor or delivery is imminent. A sterile speculum examination is advised to inspect for umbilical cord prolapse and to assess the cervix.

304.02 MANAGEMENT OF LABOR

1. First stage. The LLM must assess and record:
 - a. Fetal heart rate and rhythm (immediately following a contraction):

- i. At least every hour until five to six (5-6) centimeters, then at least every thirty (30) minutes until cervix is completely dilated.
 - ii. Immediately after rupture of membranes and during and after the next two contractions to rule out prolapsed cord.
 - iii. After any treatment, procedure or intervention.
 - iv. When there is a change in contractions or labor pattern.
 - v. When there is any indication that a medical or obstetric complication is developing.
- b. Duration, interval and intensity of uterine contractions at least every two (2) hours or more frequently if indicated.
- c. Maternal blood pressure and heart rate in active labor:
 - i. Every two (2) hours, or more frequently if indicated.
 - ii. Blood pressure every fifteen (15) minutes when there is a systolic reading of ≥ 140 or a diastolic of ≥ 90 .
 - iii. Heart rate every 15 minutes when maternal heart rate is < 70 or > 110 .
- d. Temperature:
 - i. Every two (2) hours in active labor,
 - ii. Every two (2) hours following rupture of membranes,
 - iii. Every thirty (30) minutes when oral temperature is 99.5°F or higher.

2. Second stage and third stage. The LLM's duties include but are not limited to:

- a. Assessing and documenting
 - i. That labor is progressing.
 - ii. Maternal and fetal well-being including fetal heart rate at least every 15 minutes or more frequently if indicated.
- b. Delivering the newborn and placenta.

All services should be provided in a supportive manner and in accordance with these Rules.

305. PROTOCOL FOR INTRAPARTUM CONDITIONS REQUIRING PHYSICIAN OR CNM INTERVENTION

305.01 IMMEDIATE TRANSPORT

The following INTRAPARTUM conditions preclude midwifery care, and when identified, the client must be transported to the planned hospital by the most expedient method of transportation available to obtain treatment/evaluation:

1. Position other than vertex;
2. Active genital herpes lesions;
3. Labor prior to 37 weeks 0/7 days gestation;
4. Bleeding in labor that exceeds scant amount with each cervical examination;
5. Thick meconium if birth is not imminent;
6. Prolapsed Cord;
7. Non-Reassuring fetal heart rate (FHR) Patterns (Category II or Category III) that are repetitive and do not promptly respond to maternal position changes, unless birth is imminent. (Category I FHR patterns are reassuring and are not an indication to transport.) Characteristics of Category II and III include:
 - a. Variable decelerations: Abrupt decreases in the FHR by 15 bpm or more lasting 15 seconds or more
 - b. Late decelerations: Gradual decreases in the FHR occurring in the latter portion of the contraction, returning to baseline after the end of the contraction
 - c. Prolonged decelerations: A decrease in the FHR baseline by 15 bpm or more lasting between two (2) minutes and ten (10) minutes
 - d. Tachycardia: FHR baseline > 160 bpm
 - e. Bradycardia: FHR baseline < 110 bpm;
8. Signs of maternal infection - any of the following:
 - a. Temperature of ≥ 100.4
 - b. Fetal tachycardia (baseline heart rate > 160)
 - c. Maternal tachycardia (heart rate > 110)

9. Signs of fetal infection: baseline FHR > 160 or a baseline FHR that is continually increasing;
10. Suspected or confirmed fetal death;
11. Two high blood pressure readings, meaning a systolic of ≥ 140 or a diastolic of ≥ 90 , two (2) hours apart unless birth is imminent.; or
12. Unknown GBS status prior to sixteen (16) hours of ruptured membranes, when delivery is not imminent (prophylactic antibiotics are indicated by eighteen (18) hours of ruptured membranes).

305.02 PHYSICIAN CONSULTATION

The following INTRAPARTUM conditions require consultation with a physician or CNM who has obstetric privileges in a hospital within fifty (50) miles of the delivery site. A plan of care must be established and execution documented. Midwives caring for these clients will submit additional required incident reports (found in Appendix A or available on the ADH website) . If consultation is not available the client must be transported to the hospital per the emergency plan. If the client's condition is not stable she should be transported to the nearest hospital.

1. Prolonged labor in a primagravida defined as:
 - a. more than 20 hours from onset of contractions to 5 centimeters
 - b. more than 17 hours from 5 centimeters to complete dilation
 - c. more than two and a half (2.5) hours pushing
 - d. more than one (1) hour from delivery of the infant to delivery of the placenta.
2. Prolonged labor in the multigravida defined as:
 - a. more than 14 hours from onset of contractions to 5 centimeters
 - b. more than 16 hours from 5 centimeters to complete dilation
 - c. more than one (1) hour pushing
 - d. more than one (1) hour from delivery of the infant to delivery of the placenta.

306. PROTOCOL FOR REQUIRED POSTPARTUM CARE

306.01 IMMEDIATE CARE

The LLM must remain in attendance for at least two (2) hours after the delivery and shall assess and record the following:

1. Immediately following the delivery of the placenta, the LLM shall determine that the uterus is firmly contracted without excessive bleeding, ascertain that the placenta has been delivered completely, and determine the number of cord vessels.
2. LLMs may repair 1st and 2nd degree perineal lacerations. LLMs may apply topical benzocaine (14%) available in gel form, solution or spray) for repair of lacerations. Benzocaine requires a prescription from a physician, CNM or ADH clinician for the client and the prescription must be written in the client's name.
3. During the two (2)-hour postpartum period, the LLM shall assess, as needed: uterine firmness, vaginal bleeding, vaginal swelling or tearing, maternal blood pressure and pulse. The LLM shall remain in attendance until these signs are well within normal limits or until a physician or CNM is in attendance if they are found to be abnormal.
4. The LLM shall leave instructions for follow-up care that include signs and symptoms of conditions that require medical evaluation such as: excessive bleeding, increasing pain, severe headaches or dizziness and inability to void.

306.02 FOLLOW-UP POSTPARTUM CARE

1. A follow-up home visit shall be performed between 12 to 36 hours postpartum to evaluate for excessive bleeding, infection, or other complications.
2. For all mothers with Rh negative blood and a newborn that is Rh positive, the LLM must counsel the mother to obtain postpartum Rh immunoglobulin within 72 hours of delivery.
3. The LLM is required to follow the mother for a minimum of thirty (30) days from delivery. Care shall include family planning counseling and education on the need for updated immunizations, including the rubella vaccine if susceptible. The final postpartum evaluation shall be performed between 4 to 6 weeks after delivery.

307. PROTOCOL FOR POSTPARTUM CONDITIONS REQUIRING PHYSICIAN OR CNM INTERVENTION

307.01 IMMEDIATE TRANSPORT

The following POSTPARTUM conditions preclude midwifery care and when identified, the client must be transported to the hospital indicated in the emergency plan by the fastest method of transportation available to obtain treatment/evaluation:

1. Hemorrhage: estimated blood loss of 500 milliliters or more
2. Exhibiting signs of shock:
 - a. Systolic BP < 90
 - b. Diastolic BP < 60
 - c. Heart rate < 50 or > 120
 - d. Respiratory rate < 10 or > 30
 - e. Maternal agitation, confusion or unresponsiveness
3. Elevated BP:
 - a. Systolic $\geq$ 160
 - b. Diastolic $\geq$ 100
4. Third and fourth degree lacerations
5. Maternal temperature > 100.4 on two (2) occasions one hour or more apart
6. Inability to urinate by six (6) hours after delivery

307.02 CONSULTATION OR REFERRAL

The following POSTPARTUM conditions require consultation with a physician or a CNM. A plan of care must be established and execution documented. Midwives caring for these clients will submit additional required incident reports to ADH (found in Appendix A or available on the ADH website).

1. Signs and symptoms of postpartum infection:
 - a. Endometritis
 - b. Mastitis
 - c. Urinary tract infection
2. Signs and symptoms of sub-involution
3. Signs and symptoms of postpartum pre-eclampsia

4. Signs and symptoms of postpartum depression

308. PROTOCOL FOR REQUIRED NEWBORN CARE

The LLM shall be responsible for newborn care immediately following the delivery and care of the healthy newborn for the first fourteen (14) days of life unless care is transferred to a physician or APRN specializing in the care of infants and children before that. After fourteen (14) days the LLM is no longer responsible and the mother should seek further care from a physician or an APRN specializing in the care of infants and children. If any abnormality is suspected, including - but not limited to - a report of an abnormal genetic/metabolic screen or positive antibody screen, the newborn must be sent for medical evaluation as soon as possible but no later than 72 hours. This does not preclude the LLM from providing counseling regarding routine newborn care and breastfeeding.

308.01 IMMEDIATE CARE

The following services must be provided by the LLM as part of immediate newborn care:

1. Suction nose and mouth prior to delivery of shoulders if needed.
2. Assess presence of meconium.
3. Assess baby's status at birth as vigorous or non-vigorous.
4. Immediately after delivering entire body, suction mouth, then nose again, if needed.
5. Clamp and cut the cord.
6. Directly place baby skin-to-skin with mother, covering baby with a blanket. The baby should ideally remain in direct skin-to-skin contact with their mother immediately after birth until the first feeding is accomplished.
7. Determine Apgar scores at one (1) and five (5) minutes after delivery while baby is with mother.
8. Routine care can be done with the baby and mother in skin-to-skin contact to insure warmth. Observe and record:
 - a. Skin color and tone.
 - b. Heart rate.
 - c. Respiration rate and character.

- d. Estimated gestational age. Indicate average, small or large for gestational age.
 - e. Axillary temperature.
 - f. Weight, length, head circumference.
9. Obtain cord blood for Rh and antibody screen if mother is Rh negative.

308.02 FEEDING

Newborn should be placed at the breast as soon as stable after delivery. The bottle fed newborn should be offered formula of choice within the first two to three hours after birth. Instruct the mother in normal and abnormal feeding patterns.

308.03 If indicated, the LLM must advise parents that the newborn must receive either Erythromycin 0.5% Ophthalmic or Tetracycline 1.0% Ophthalmic within one (1) hour of birth. The LLM must document in the client's medical record whether or not medication was administered to the newborn and by whom.

308.04 The LLM must advise parents that the newborn must receive Vitamin K within two (2) hours of birth. The LLM must document in the client's medical record whether or not medication was administered to the newborn and by whom.

308.05 NEWBORN SCREENING

1. Genetic/Metabolic Screening:
All newborns must have a capillary blood sample within the required time frame for the newborn screening as mandated by law and as specified on the ADH collection form. Information can be obtained by contacting the ADH Newborn Screening program.
2. Infant Hearing Screening:
The LLM must instruct the mother in available resources to obtain the infant hearing screen. Assistance in completing and submitting the required form can be obtained by contacting the ADH Infant Hearing Program.

308.06 CORD CARE

The LLM must instruct the mother in routine cord care.

309. PROTOCOL FOR NEWBORN CONDITIONS REQUIRING PHYSICIAN INTERVENTION

309.01. IMMEDIATE TRANSPORT

The following NEWBORN conditions, when identified, require immediate transport of the newborn to the hospital by the most expedient method of transportation available to obtain treatment/evaluation. LLMs that participate in the care of these newborns are required to submit additional incident reports (found in Appendix A or available on the ADH website).

1. Respiratory distress
2. Central cyanosis
3. Seizures
4. If a temperature outside the normal range of 97.7F (36.5C) – 99.3F (37.4C) per axilla is note, appropriate corrective measures must be taken, and temperature taken hourly for the next two (2) hours. Three (3) persistently out of range temperatures warrant transfer.
5. Jaundice at 0 to 24 hours
6. Apgar score of < five (5) at one minute or < seven (7) at five minutes
7. Apnea lasting > ten (10) seconds
8. Heart rate > 160 bpm or <100 bpm
9. Pallor and poor capillary refill
10. Poor suck or refusal to feed
11. High-pitched cry
12. Any significant congenital anomaly including ambiguous genitalia
13. Skin with petechiae or significant bruises
14. Poor response to sound or touch
15. Poor tone (floppy)

309.02. PHYSICIAN CONSULTATION

The newborn must be weighed weekly. During the first two (2) weeks of life the newborn must be immediately referred to a pediatric or family medicine provider for any illness or abnormal physical finding. The newborn must also be referred if there are any concerns about weight gain, feeding, elimination, development, or abnormal screening results.

The following NEWBORN conditions require immediate (unless otherwise indicated) consultation with a physician whose practice includes pediatrics. A plan of care must be established and execution documented. Midwives caring for these newborns will be required to submit additional required incident reports to ADH (found in Appendix A or available on the ADH website). If consultation is not available the newborn must be transported to the hospital listed in the plan of care.

The LLM is responsible for the coordination of the physician consultation with the child's parents, and must follow-up on this consultation and document the outcome in the client's record.

1. Jaundice at 24 to 48 hour of life
2. No urination at 12 hours of life
3. Birth weight of less than 5 ½ pounds or more than 10 pounds
4. Abnormal cry
5. No stool after 48 hours
6. Vomiting after feedings
7. Tachypnea of greater than 60 breaths per minute after 4 hours of life
8. Mother's membranes ruptured for more than 18 hours and unknown GBS status.
9. Infant born to mother with indications for GBS prophylaxis in labor that did not receive antibiotics $\geq$ 4 hours prior to birth (per ADH approved guidelines found on ADH website).
10. Jittery
11. Floppy
12. Eye rolling

400. EMERGENCY MEASURES

The LLM must consult a licensed physician or CNM whenever there are significant deviations from normal in either the mother or the newborn, and must act in accordance with the instructions of the physician or CNM. In those situations requiring transport to a hospital, the LLM must notify the emergency room or labor and delivery unit of the

designated hospital of an imminent transport and provide a copy of the complete medical record to the appropriate staff at the receiving facility.

1. The LLM is expected to use their judgment regarding the need for referral or emergency transport when problems arise that are not specified in the protocol.
2. No Licensed Lay Midwife may assist labor by any forcible or mechanical means; attempt to remove adherent placenta; administer, prescribe, advise or employ any prescription drug or device; or attempt the treatment of a precluded condition, except in an emergency when the attendance of a Physician or CNM cannot be speedily secured.
3. Any authorized or unauthorized emergency measures must be reported to ADH in an incident report (found in Appendix A or available on the ADH website). In the case of actions/procedures authorized by a physician or CNM in the case of a specific emergency, the LLM will document these orders with an order signed by the physician or CNM and submit it to ADH on the 10th of the following month.

500. RECORD KEEPING AND REPORTING REQUIREMENTS

501. MONTHLY REPORTS

1. A monthly reporting log, referred to as the Caseload and Birth Log (found in Appendix A or available on the ADH website), will be maintained and sent to ADH postmarked no later than the 10th of each month regardless of any changes or additions to the Log.
2. Each woman receiving care for two (2) or more visits shall be listed on the Caseload and Birth Log in the following month of care, regardless of whether or not the LLM attended the birth.

502. INCIDENT REPORTS

1. When any complication occurs (whether or not the LLM remained in attendance) the care must be documented in greater detail using ADH forms (found in Appendix A or available on the ADH website). The LLM shall send these forms to ADH by the 10th of the month following the event.
2. When an LLM's client delivers outside the hospital without attendance by an LLM, the LLM must submit an incident report (form found in Appendix A or available on the ADH website) describing the circumstances and outcome of the unattended birth. The LLM shall send these reports to ADH by the 10th of the month following the event.

503. RECORD AUDITS

ADH will audit selected records from each LLM's practice each year. The purpose of the audit will be to confirm compliance with these Rules. The LLM will be required to submit the records for each client selected by ADH for auditing.

504. DOCUMENTATION BY LLM APPRENTICES

1. LLMs supervising an apprentice midwife should record the name of the apprentice on the Birth Log when the apprentice provided care during the intrapartum and immediate postpartum period. Because the LLM is responsible for the clinical work of their apprentices, all reports will be filed by the attending LLM.
2. Clinical services provided by apprentice midwives shall be documented by the apprentice in the client record and co-signed by the LLM. Initials may be used providing the initials clearly identify the person providing care.

505. REPORTING MATERNAL, FETAL, OR NEWBORN EVENTS

The LLM is required to track maternal and newborn events for thirty (30) days unless care is terminated by the client. Maternal events, pregnancy loss at any gestational age, or newborn events must be reported according to the following schedule. In each of these instances, LLMs will complete the required incident report (found in Appendix A or available on the ADH website) and submit it, with a complete copy of the client record, to ADH.

1. Complications resulting in intrauterine fetal death, or death of a mother or newborn within 48 hours of delivery must be reported to ADH within two (2) business days;
2. Maternal or newborn deaths that occur between two (2) through thirty (30) days of birth must be reported to ADH within five (5) business days;
3. Maternal or newborn hospitalizations that occur within thirty (30) days of delivery must be reported to ADH within five (5) business days.

506. CLIENT HEALTH RECORD

The LLM is responsible for ensuring that all required services are documented on client records maintained by the LLM. Each page of the client record must contain the client ID number. The records will remain confidential. They are subject to periodic review by ADH staff. All client records must be maintained for at least 25 years.

507. VITAL RECORDS

The LLM shall follow all applicable laws pertaining to vital records.

600. ADH RESPONSIBILITIES

601. GRANTING PERMITS AND LICENSES

ADH shall review applications for licensure and issue licenses or permits.

602. REGISTRATION LISTING

ADH shall maintain a list of all LLMs and Apprentice Midwives in the State of Arkansas, and make this list available to the public.

603. MONITORING OUTCOMES

ADH shall monitor perinatal outcomes of home births attended by LLMs and publish these statistics annually.

ADH shall also review LLMs' records to assure that such LLMs are practicing within regulatory guidelines and standards of care.

604. INVESTIGATION

ADH will conduct investigations regarding complaints or deviations from the Rules.

ADH will consider all available information that is relevant and material to the investigations.

Where, in the opinion of the Director of ADH, the public's health, safety or welfare imperatively requires emergency action, ADH may temporarily suspend the license of an LLM pending proceedings for revocation or other action. All proceedings initiated under this provision shall be promptly instituted and determined. The licensee may request a hearing on a temporary suspension with five (5) days of receiving notice.

605. ADMINISTRATION OF TESTS

ADH shall administer the Arkansas Rules Examination at least three (3) times per year.

700. SEVERABILITY.

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

800. REPEAL.

All ~~Regulations~~ Rules and parts of ~~Regulations~~ Rules in conflict herewith are hereby repealed.

DRAFT 8.12.19

900. CERTIFICATION

This will certify that the Rules ~~and Regulations~~ Governing the Practice of Licensed Lay Midwifery in Arkansas were prepared pursuant to A.C.A. 20-7-109 and A.C.A. 17-85-101 et seq. A public hearing was held on the 21st day of September, 2017.

This will also certify that the foregoing Rules ~~and Regulations~~ Governing the Practice of Licensed Lay Midwifery in Arkansas were adopted by the Arkansas Board of Health at a regular session of same held in Little Rock, Arkansas on the 25th day of January, 2018.

Dated at Little Rock, Arkansas this _____ day of _____.

Nathaniel Smith, MD, MPH
Director, Arkansas Department of Health
Secretary of Arkansas State Board of Health

APPENDIX A: FORMS

1. LLM Disclosure Form
2. LLM Informed Refusal Form
3. LLM Initial License and Reactivation of License Application
4. LLM License Renewal Application
5. Instructions for Completing LLM Reports
6. LLM Caseload and Birth Log
7. LLM Monthly Worksheet
8. LLM Incident Report
9. Preceptor-Apprentice Agreement for NARM PEP Apprentices
10. LLM Pre-Licensure Criminal Background Check Petition
11. Hospital Reporting Form – Lay Midwife Patient Transfer (For Hospital/Healthcare Facility Use only)

Licensed Lay Midwife Disclosure Form



ARKANSAS
DEPARTMENT OF HEALTH

Client's Printed Name: _____

Client's Address: _____

Street

City

State

Zip Code

Phone Number: _____

In compliance with the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas, at the time of acceptance into care, a Licensed Lay Midwife (LLM) must provide the following disclosures in oral and written form:

- A. Licensed Lay Midwife Scope of Practice
- B. Informed Consent for Licensed Lay Midwifery Care
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A. Licensed Lay Midwife Scope of Practice

The Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas require each LLM to provide information on the scope of licensed midwifery practice under these rules regulations to clients seeking midwifery care. The LLM may provide approved midwifery care only to healthy women, determined to be at low risk for the development of complications of pregnancy or childbirth; and whose outcome of pregnancy is most likely to be the delivery of a healthy newborn and intact placenta. Apprentice midwives and LLM Assistants work under the on-site supervision of the LLM. A person may not practice or offer to act as an LLM in Arkansas unless he/she is licensed by the Arkansas State Board of Health.

The responsibilities of the LLM are specified by the Rules Regulations in regards to:

1. Required prenatal care.
2. Attendance during labor and delivery.
3. Care of the healthy newborn for the first fourteen (14) days of life unless care is transferred to a physician or APRN whose practice includes pediatrics. After fourteen (14) days, the LLM is no longer responsible to provide care except for routine counseling on newborn care and breastfeeding as indicated. The client should seek further care from a physician or an APRN whose practice includes pediatrics. If any abnormality is identified or suspected, including but not limited to a report of an abnormal genetic/metabolic screen or positive antibody screen, the newborn must be sent for medical evaluation as soon as possible but no later than 72 hours.
4. Postpartum care for a minimum of 30 days after delivery.

These would also apply to any arrangements the LLM has in regard to apprentices she is supervising, or arrangements made with other LLMs to attend the birth, if she/he is unavailable.

The LLM is responsible to ensure the client is informed of and understands the need to receive clinical assessments, including laboratory testing; evaluations by a physician, certified nurse midwife (CNM) or public health maternity clinician; and required visits with the midwife that are mandated by the Rules regulations. The LLM is also responsible for informing the client of the necessary supplies the client will need to acquire for the birth and the newborn (including eye prophylaxis and vitamin K).

LLM providing care _____

Licensed in Arkansas since _____

Arkansas LLM License Number _____ Expiration Date _____

Certified Professional Midwife (CPM) Yes or No (Circle correct response)

Midwifery Bridge Certificate (MBC) Yes or No (Circle correct response)

If CPM, Certification Number _____ Expiration Date _____

Each statement below is to be read and initialed by the client.

B. Informed Consent

_____ I understand that I am retaining the services of _____ who is an LLM, not a CNM or a physician.

_____ I understand the LLM *does or does not* (circle correct response) have liability coverage for services provided to someone having a planned home birth.

_____ I understand that the LLM practices in home settings and does not have hospital privileges.

_____ I understand the LLM *does or does not* (circle correct response) have a working relationship with a physician or CNM. If she/he does, they are:

Physician's Name: _____

CNM's Name: _____

_____ I understand that if my LLM relies on a hospital emergency room for backup coverage, the physician on duty may not be trained in obstetrics.

_____ I understand the LLM is trained and certified in Cardiopulmonary Resuscitation (CPR) and neonatal resuscitation.

_____ I understand there are conditions that are outside the scope of practice of an LLM that will prevent me from beginning midwifery care. These conditions include, but are not limited to: previous cesarean delivery, multiple gestation, and insulin-dependent diabetes.

_____ I understand that there are conditions that are outside the scope of practice of an LLM that will require physician consultation, referral or transfer of care to a physician, CNM or health department clinician, or transport to a hospital. If during the course of my care my LLM informs me that I have a condition indicating the need for a mandatory transfer, I am no longer eligible for a home birth by an LLM. These conditions include but are not limited to: placenta previa in the third trimester, baby's position not vertex at onset of labor, labor prior to thirty-seven (37) weeks gestation, or active herpes lesions at onset of labor.

_____ The LLM is responsible to inform and educate me (the client) on these and other potential conditions that preclude care by an LLM.

_____ I understand emergency medical services for myself and my baby may be necessary and a plan for emergency care must be in place for the prenatal, labor, birth and immediate postpartum and immediate newborn periods, as outlined in Section E of this form.

_____ I understand my laboratory test results must be reviewed and interpreted by a physician, CNM or ADH clinician.

_____ I understand that the LLM must work in accordance with all applicable laws. The Rules and Regulations Governing the Practice of Midwifery in Arkansas are available online at the Arkansas Department of Health website or by contacting the Arkansas Department of Health.

C. Requirements for Licensed Lay Midwifery Care

I understand the LLM has protocols as specified in the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas that must be followed concerning care for normal pregnancy, labor, home birth and the postpartum period, and for specific potentially serious medical conditions. The following requirements are my responsibility, as a midwife client, to fulfill:

_____ I must have an initial, and 36 week visit with a private physician or CNM or go to an Arkansas Department of Health Local Health Unit which provides maternity services for a risk assessment, which includes a physical exam and lab work.

_____ If my pregnancy continues beyond 41 weeks, I must have a visit before 42 weeks with a private physician or CNM or go to an Arkansas Department of Health Local Health Unit which provides maternity services for a risk assessment.

_____ I must ensure that all my healthcare providers have access to all my medical records at the time of each visit and at the time of delivery. It is unsafe for any of these practitioners to evaluate or deliver a client without knowledge of all lab results and current risk status.

_____ I must have Vitamin K on hand for the birth. This may be ordered in advance of delivery from the Local Health Unit or may be obtained at a pharmacy by prescription.

_____ I must have ophthalmic erythromycin on hand for the birth, if indicated. This may be ordered in advance of delivery from the Local Health Unit or may be obtained at a pharmacy by prescription.

D. Risks and Benefits of Home and Hospital Births

Before becoming a client with the intent of delivery at home, I understand I need to be familiar with some of the advantages and disadvantages of having either a home birth or a hospital birth.

RISKS AND BENEFITS OF HOME AND HOSPITAL BIRTHS	
BENEFITS	
Home	Hospital
Planned home birth with skilled, trained, midwifery care	Skilled, specialized obstetric staff
Natural progression of labor	Medications to induce or maintain labor, if needed
Non-invasive monitoring of labor progression and fetal well-being	Early detection of fetal distress through advanced monitoring techniques
Privacy and familiar home surroundings	Equipment available for high risk situations: intensive care, resuscitative equipment, surgical suites
Decreased obstetric interventions – midwives are trained to handle some unexpected emergencies on site for low risk women	Immediate medical intervention including medications and blood products if needed, by OB/GYN, pediatrician, and medical personnel trained to deal with life threatening emergencies on site
Preserves family togetherness; provides personalized care; honors client's choices for birthing position, movement, and food and fluids during labor; labor takes place in familiar surroundings	Some hospitals provide family-centered birthing and some provide birthing suites that create a home-like atmosphere and incorporate client's choices into their birth plan
Use of natural, non-invasive pain relief techniques	Availability of pain medications upon request
The absolute risk of a planned home birth may be low	The American College of Obstetrics and Gynecology and the American Academy of Pediatrics state that hospitals and birthing centers are the safest settings for birth in the United States
RISKS	
Home	Hospital
A planned home birth is associated with a twofold increased risk of newborn death compared to a hospital birth for low risk mother/infant pairs, and greater increases for those at higher risk.	Hospital births are associated with increased maternal interventions including the possibilities of: epidural analgesia, electronic contraction and fetal heart rate monitoring, IVs, vacuum extraction, episiotomy, and cesarean delivery.
Certain emergency conditions may occur without warning, which cannot be handled in a timely manner at home; and the home may lack needed emergency equipment for advanced resuscitation. In emergency situations greater risk of adverse outcomes exists, including death, for both mother and child.	Not all hospitals have immediate availability of specialty consultation and care in cases of certain medical emergencies and in these situations there is the risk for adverse outcomes including death for the mother and child.

Transport time to a hospital in case of an emergency can seriously impact the outcome on health of mother and newborn. Travel time of more than 20 minutes has been associated with increased adverse newborn outcomes, including mortality.	Hospitals that provide delivery services may not be available in some geographic areas requiring the mother to travel longer distances for urgent care of sudden risks.
--	---

_____ I have reviewed the above table and have discussed with my midwife the risks and benefits of both home and hospital births.

E. Emergency Arrangements

An emergency plan must be developed between the client and the LLM detailing the arrangements for transport of the client to the nearest hospital licensed to provide maternity services or to the hospital where the back-up physician has privileges. The hospital must be within fifty (50) miles of the home birth site.

1. The licensed physician or CNM that will be consulted when there are deviations from normal in either the mother or infant is:

- a. Name of Clinic/Physician/ADH Clinician/CNM for the mother:

_____ Phone Number _____

City/State _____

- b. Name of Physician/ADH Clinician/CNM for the infant if known:

_____ Phone Number _____

City/State _____

2. Transport Arrangements: In an emergency, transport to a hospital will be by:

Ambulance: Name: _____

Phone: _____

Miles from home birth site: _____

Estimated time to home birth site _____

Has the option of using a private vehicle for backup been discussed? ☐ Yes ☐ No

3. In the event of maternal emergency in a home birth, transport will be to the following:

Hospital: _____

City/State: _____

Phone: _____

Miles from home birth site _____ Estimated Time from home birth site _____

I understand that the physician on duty in this hospital emergency room may not be trained in obstetrics.

4. In the event of a neonatal emergency requiring immediate transport, transport will be to the **nearest** hospital:

Hospital: _____

City/State: _____

Phone: _____

Miles from home birth site _____ Estimated Time from home birth site _____

I understand that the physician on duty in this hospital emergency room may not be trained in obstetrics or pediatrics.

_____ I agree to these arrangements should an emergency or medical complication arise.

F. Plan for Routine Well-baby Care

A plan of care should be developed between the client and a physician or an APRN whose practice includes pediatrics to follow up with routine well-baby visits after birth. The LLM is responsible for newborn care immediately following delivery and for the first fourteen (14) days of life, unless care is transferred before that time. After fourteen (14) days, the LLM is no longer responsible to provide care except for routine counseling on newborn care and breastfeeding as indicated. The client should seek further care from a physician or an APRN whose practice includes pediatrics. If any abnormality is identified or suspected, including but not limited to a report of an abnormal genetic/metabolic screen or positive antibody screen, the newborn must be sent for medical evaluation as soon as possible but no later than 72 hours.

Name of Physician/APRN for the infant:

Unknown: ☐

Phone _____
City/State _____

Number _____

G. Consent Signatures

The consent signatures page will be kept in the client's chart as proof that all above Disclosure Form items have been initialed.

I have discussed and provided in writing the information included in this disclosure form with my client. I have discussed with her how this impacts her pregnancy and its outcome.

LLM Signature: _____ Date Signed _____

The above information has been discussed with me and also provided in writing. I understand its implications to my pregnancy and its outcome.

Client printed name

Client signature

Date signed



INFORMED REFUSAL FORM

Version March 8, 2017

The Arkansas Lay Midwife Act gives authority to the Board of Health (BOH) to oversee Licensed Lay Midwives (LLMs) in Arkansas. As part of this authority, the BOH sets the rules and regulations for LLMs. These rules require that LLMs follow specific protocols for risk assessment, consultation, referral, and transfer of care to ensure the safety of the mother and baby. The BOH has delegated the authority to enforce these Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas to the Arkansas Department of Health (ADH).

LLMs are trained experts in the care of **low-risk** pregnancy for women who want to give birth outside of a hospital. Low-risk means that a woman is healthy and should have a normal birth of a healthy baby with no problems. Some women have health issues that give them a greater chance of problems for the mother or baby. The LLM's training may not prepare her/him to handle these health issues. ***The health issue may call for testing or treatment that the LLM cannot give.*** Careful thought and discussion about the safety of an out-of-hospital birth may be needed. A team of health care providers may be better able to handle some health issues. This team may involve LLMs, obstetricians, pediatricians, Certified Nurse Midwives (CNMs), specialists, family doctors, and others.

The mother and her health practitioners should talk about her health issues. Together they can decide on the best plan for her care and for the birth of a healthy baby. Talking about the risks is important and required by the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas, and, as stated by NARM (North American Registry of Midwives) requires that:

If a midwife supports a client's choices that are outside her Plan of Care, she must be prepared to give evidence of informed consent. The midwife must also be able to document the process that led to the decision and show that the client was fully informed of the potential risk and benefits of proceeding with the new care plan. It is the responsibility of the midwife to provide evidence-based information, clinical expertise, and when appropriate, consultation or referral to other providers to aid the client in the decision making process.

Both the mother and the LLM must sign this form. Signing the form shows that the LLM and the mother have discussed the risks to both mother and baby of refusing the required test, procedure, treatment, medication, or referral. That discussion must include reviewing material from an ADH-approved source for each requirement being refused by the client. The LLM and the mother must decide on a plan of care for the health issue and that plan must be written on the form.

LLM INFORMATION	
Name:	Arkansas License Number:
CPM #	CPM Expiration Date:
MBC #	
Telephone Number:	Email Address:
CLIENT INFORMATION	
Name:	Date of Birth:
Address:	
Telephone Number:	CLIENT FILE #

The client must initial each of the following statements:

_____ I have been told by my LLM that my baby or I should have the following test, procedure, treatment, medication, or referral required by the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas:

_____ I have been told of the following risks and benefits of the test, procedure, treatment, medication, or referral:

_____ I understand that my condition may require treatment that my LLM cannot provide.

FL 8.12.1

This is to certify that I, _____,
am refusing at my own insistence the test, procedure, treatment, medication, or referral listed
above.

Witness Signature: _____ **Date:** _____

ARKANSAS DEPARTMENT OF HEALTH
LLM INITIAL LICENSE AND REACTIVATION OF LICENSE APPLICATION

Last Name		First		Middle		Social Security Number	
						Date	
Street		City		State		Zip	
Mailing Address, if different							
Home Phone ()		Business Phone ()		Other Phone (cellular, pager, etc.) ()		Email	
Date of Birth		Have you attended school, been licensed, or certified under a different name? ☐ Yes If yes, what name(s) _____ ☐ No					
Did you graduate High School? ☐ Yes ☐ No If No, do you have a GED or High School Equivalency? ☐ Yes ☐ No From Where? _____ Date Obtained: _____							
Highest Grade Completed		Date Completed	Name of High School		Address		State Zip
CPM Certificate #			Expiration Date		MBC Certificate #		
CM (AMCB) Certificate #			Expiration Date				
CNM (AMCB) Certificate #			Expiration Date		CNM License #		Expiration Date
College or Vocational Training Name and Address of School				Dates Attended		Total Credit/ Clock Hours	Date of Diploma Or Certificate
				From To			
				From To			
				From To			

ARKANSAS DEPARTMENT OF HEALTH
LLM INITIAL LICENSE AND REACTIVATION OF LICENSE APPLICATION

Current Health-Related Other Licenses Name of Trade or Profession	State	License Number	Expiration Date

Have you ever had a license revoked in any health-related field? ☐ Yes ☐ No
If yes, specify: _____

Have you ever been convicted of a crime-felony? ☐ Yes ☐ No
If yes, a detailed statement, a summary of the charges, the final order, any probation or parole documentation, and any other relevant information must be attached and received before your application will be processed.

Please list any other states or territories where you have held a Midwife license and indicate whether or not the license is current:

(Verification of licensure sent from the state where the license is held may be requested.)

Has your application for any professional license, certificate, registration been denied by any state licensing board or federal authority?
☐ Yes ☐ No
If yes, specify _____

**ATTACH RECENT
PHOTOGRAPH HERE**

Passport style taken
within 60 days prior
to submission
of application

I certify that all information given on this application is true and accurate. That in consideration of the issuance to me of a license to practice in Arkansas, I swear that I shall observe, abide by and uphold the laws of the State of Arkansas governing my practice and that I shall abstain from unethical, deceptive and fraudulent methods of practice and from immoral, unprofessional and unethical conduct, and that I shall not associate professionally with nor become a partner or employee of any person who resorts to such practices. I hereby agree that the violation of this oath shall constitute cause sufficient for the revocation of said license and surrender of the rights and privileges accorded me there under.

Signature of Applicant

Date

PROCEDURES FOR APPLYING FOR LAY MIDWIFERY LICENSE

Type or print the application and check thoroughly before submitting. An incomplete application will delay processing. All items must be on file before your application will be considered. If any of your application documentation requires additional information the review process may take longer. Apply far enough in advance to allow for processing time.

All applicants must submit the following items:

- ☐ 1. Complete application form, including passport style and size photograph, head and shoulders, taken within 60 days of application date.
- ☐ *2. Notarized copy of the applicant's high school diploma, GED Certificate or documentation of highest degree attained after high school. Must include the name of the issuing school or institution and the issue date.
- ☐ *3. Notarized copy of one of the following documents that demonstrates the applicant is 21 years of age or older:
 - ☐ A. Birth Certificate
 - ☐ B. U.S. Passport, current or expired
 - ☐ C. U.S. Driver's License or other state-issued identification document
 - ☐ D. Document issued by federal, state or provincial registrar of vital statistics
- ☐ 4. Documentation, if applicable, in the form of a verification letter directly from the certifying body or a notarized copy of the applicant's certificate that applicant is currently certified:
 - ☐ i. By NARM as a Certified Professional Midwife (CPM).
 - ☐ ii. By the American Midwifery Certification Board (AMCB) as a certified nurse midwife (CNM).
 - ☐ iii. By the American Midwifery Certification Board (AMCB) as a certified midwife (CM).
 - ☐ iv. By certification deemed equivalent and approved by ADH.ADH may request additional documentation to support applicants' qualifications or certifications. It is the responsibility of the licensee to ensure relevant credentials are current at all times and documentation must be provided upon request.
- ☐ 5. Documentation, if applicable, that applicant holds an MBC issued by NARM. Documentation may be received in the form of a verification letter directly from the certifying body or a notarized copy of the applicant's certificate.

Applicants with a current Apprenticeship permit issued prior to the effective date of these Rules must additionally submit the following notarized forms:

- ☐ 1. Clinical Experience Documentation for Births as a Primary Midwife form
- ☐ 2. Preceptor Verification Form
- ☐ 3. Documentation of Acquisition of Clinical Knowledge and Skills (completed by each Preceptor)
- ☐ 4. Copy of both sides of current certification in adult and infant cardiopulmonary resuscitation. Only certifications from courses which include a hands-on component are accepted. Online-only courses are not accepted. Approved CPR courses include the American Heart Association and the American Red Cross. It is the responsibility of the licensee to ensure this certification is current at all times and documentation must be provided upon request.
- ☐ 5. Copy of both sides of current certification in neonatal resuscitation through a course recognized by NARM. It is the responsibility of the licensee to ensure this certification is current at all times and documentation must be provided upon request.

NOTE:

- Applicant's name must be the same on all documents or the applicant must submit proof of name change with application.
- ADH has the option to request verification of current required certifications and of other licensure held.
- *Arkansas Apprentices that have provided this information to the Health Department with apprentice application will not be required to resubmit these items.

Mail all forms and attachments to:
ARKANSAS DEPARTMENT OF HEALTH
WOMEN'S HEALTH SECTION, SLOT 16
4815 W. MARKHAM ST.
LITTLE ROCK, AR 72205

LLM LICENSE RENEWAL APPLICATION

Last Name	First	Middle	Date of Birth	Date
<i>It is your responsibility to notify us of any change in name or address</i>		Midwife License Number	Social Security Number	
Address (include Street, City, State, Zip)			Home Phone ()	
			Business Phone ()	
Mailing Address, if different from above			Other Phone (pager, etc.) ()	
			Email Address:	
CPM License #		Expiration Date		Midwifery Bridge Certificate #
CM Certificate #		Expiration Date		
CNM Certificate #	Expiration Date		CNM License #	Expiration Date
Current Midwifery Licenses other than Arkansas (Verification of licensure may be requested)		State	License Number	Expiration Date
Current Health Related Licenses		State	License Number	Expiration Date
Have you ever had a license revoked in any health-related field since last application ? ☐ Yes ☐ No If yes, specify _____ _____		Have you ever been convicted of a felony since last application ? ☐ Yes ☐ No If yes, specify _____ _____		
Has your application for any professional license, certificate, registration been denied by any state licensing board or federal authority? ☐ Yes ☐ No If yes, specify _____ _____				
That in consideration of the issuance to me of a license to practice in Arkansas, I swear that I shall observe, abide by and uphold the laws of the State of Arkansas governing my practice and that I shall abstain from unethical, deceptive and fraudulent methods of practice and from immoral , unprofessional and unethical conduct, and that I shall not associate professionally with nor become a partner or employee of any person who resorts to such practices. I hereby agree that the violation of this oath shall constitute cause sufficient for the revocation of said license and surrender of the rights and privileges accorded me there under. Signature of Applicant _____ Date _____				

PROCEDURES FOR APPLYING FOR RENEWAL OF LAY MIDWIFERY LICENSE

Lay midwifery licenses are valid for up to three (3) years and are renewed on August 31 of the third year of licensure. Applications are due 60 days prior to that date.

In order to be reviewed an application for renewal must be complete and accompanied by all supporting documentation. **Type or print the application and review thoroughly before submitting. An incomplete application will delay processing.**

All applicants must submit the following items before your application will be considered:

- ☐ 1. Complete application form.
- ☐ 2. Copy of certificate documenting completion of ADH exam on the Arkansas Rules with a score of 80% or higher. Instructions for taking the exam are available from ADH.
- ☐ 3. Documentation, if applicable, in the form of a verification letter directly from the certifying body or a notarized copy of the applicant's certificate that applicant is currently certified:
 - ☐ a. By NARM as a certified professional midwife (CPM).
 - ☐ b. By the American Midwifery Certification Board (AMCP) as a certified nurse-midwife (CNM).
 - ☐ c. By the AMCP as a certified midwife (CM).
 - ☐ d. By certification deemed equivalent and approved by ADH.ADH may request additional documentation to support applicant's qualifications or certifications.
- ☐ 4. Verification of Midwifery Bridge Certificate (MBC), if held and not previously submitted. Documentation may be received in the form of a verification letter directly from NARM or a notarized copy of the applicant's certificate.

For applicants who are LLMs who have been continuously licensed in the state of Arkansas prior to the effective date of these Rules, and who have never received certification from NARM as a CPM, the following requirements must be met:

- ☐ 1. Complete application form.
- ☐ 2. Documentation of hours of continuing education obtained (LLM Rules, Section 202.#2.d.)
Documentation must include a copy of the diploma or certificate and the following:
 - a. Type of training: College, Vocational Training, Continuing Education
 - b. Name of institution
 - c. Name of course
 - d. Dates attended (from-to)
 - e. Total number of credits/clock hours/contact hours
 - f. Date of diploma or certificate
- ☐ 3. Notarized copy of both sides of current certification adult and infant cardiopulmonary resuscitation. Only certifications from courses which include a hands-on component are accepted. Online-only courses are not accepted. Approved CPR courses include the American Heart Association and the American Red Cross.
- ☐ 4. Notarized copy of both sides of current certification in neonatal resuscitation through a course recognized by NARM.

NOTE:

- Applicant's name must be the same on all documents or the applicant must submit proof of name change with application.
- It is the responsibility of the licensee to ensure relevant credentials are current at all times and documentation must be provided upon request.
- ADH has the option to request verification of current required certifications and of other licensure held.

Mail all forms and attachments to:
ARKANSAS DEPARTMENT OF HEALTH
WOMEN'S HEALTH SECTION, SLOT 16
4815 W. MARKHAM ST.
LITTLE ROCK, AR 72205

**ARKANSAS DEPARTMENT OF HEALTH
INSTRUCTIONS FOR COMPLETING LLM REQUIRED REPORTS**

Caseload and Birth Log

The Licensed Lay Midwife Caseload and Birth Report Log is required under Section 500 of the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas (Jun1 1, 2018). The form is available from the Arkansas Department of Health (ADH).

The Licensed Lay Midwife Caseload and Birth Report Log is designed to be a perpetual report, so that the same form may be copied and re-submitted on a monthly basis until the pages are full and new pages started. A new Caseload and Birth Report Log is opened each January 1. The current undelivered caseload will be carried over to a new birth log for the January 1 report. The report must be dated, completed and submitted monthly even if there is no new activity that month and must be postmarked no later than the 10th of the month.

The report consists of 2 pages:

- **Coversheet:** A continuous record of the year's activity. Each column represents one month. A new coversheet is initiated each January.
- **Caseload List:** Each page provides room for listing clients. Please copy and add additional sheets as needed. Each January, a caseload list of undelivered clients is submitted as the initial caseload for the calendar year.

The Caseload and Birth Report Log is used to report the following:

1. Women who receive prenatal care from the LLM for more than one month of the gestation period regardless of whether or not the LLM attended the birth.
 - a. Enter the name and estimated due date on the Log at the time the client enters into care of the LLM.
 - b. Enter the date the Disclosure Form is signed by client and LLM.
 - c. ADH requires that all clients receiving care be listed on the Log in order to establish statistically reliable data for annual reports.
2. Clients who are referred for care, transferred to another provider, transported, lost to follow-up (or leave LLM care), or for other reasons are not attended by the LLM at birth.
3. Consultations between the LLM and a physician, CNM or an ADH clinician to discuss the status and future care of the client.
4. Labors/births attended by the LLM.
5. Apprentice name when apprentice participates in the client's birth.

On the Caseload List, the boxes for reporting Consults/Referrals and Transport or Hospitalization of Mother and/or Newborn shall be completed as follows:

- In the box write in the appropriate letter to indicate if it is a consult (C), referral (R) or transport for the mother (M), newborn (N) or both (B) and the date of the event.

Example: For a Consult :

For a Maternal Transport:

C 2/17/2017

M 2/17/2017

ARKANSAS DEPARTMENT OF HEALTH
INSTRUCTIONS FOR COMPLETING LLM REQUIRED REPORTS

Incident Report

The Incident Report form is used to document incidents or complications and must be submitted to ADH, postmarked by the 10th of the month. Please note that there is a different reporting time-frame for some complications. Refer to section 8 below or Rules section 400 for details. When a second page is needed to provide a comprehensive report, attach and number the second page. Do not write or record anything on the back of any pages.

The following events must be documented:

1. **Consultations and Referrals.** Refer to Rules definitions 103.10 and 103.22. Consultation is the process by which an LLM who maintains primary management responsibility for the client's care, seeks the advice of a physician, CNM, or ADH clinician. This may be by phone, in person or by written request. The physician, CNM, or ADH clinician may require the client to come into their office for evaluation. Referral is the process by which the client is directed to a physician, CNM or ADH clinician for management of a particular problem or aspect of the client's care, after informing the client of the risks to the health of the client or newborn.
A consultation or referral must be documented in the client record and Incident Report whether or not a Transfer or Transport becomes necessary. Consultation and/or Referral is required for:
 - a. Pre-existing conditions listed in the Rules section 303.02
 - b. Prenatal conditions listed in 303.03
 - c. Intrapartum conditions listed in 305.02
 - d. Postpartum conditions listed in 307.02
 - e. Newborn conditions listed in 309.02
 - f. Other problems not specified in the protocol in which there are significant deviations from normal
2. **Transfers.** Refer to Rules definition 103.22: The process by which the LLM relinquishes care of her client for pregnancy, labor, delivery, or postpartum care to a physician, CNM or ADH clinician, after informing the client of the risks to the health or life of the client. A transfer may result from a consultation and/or referral for a complication, or may occur for social reasons (relocation, preference for another provider, preference for a hospital birth, financial reasons, et al). The delivery date for transfers is recorded when known by the LLM. Transfers resulting from complications include:
 - a. Conditions that preclude LLM care listed in 303.01
 - b. Recommendation of the consultant (physician, CNM, ADH clinician) following a risk assessment, consultation or referral
 - c. Other conditions as determined by the LLM

**ARKANSAS DEPARTMENT OF HEALTH
INSTRUCTIONS FOR COMPLETING LLM REQUIRED REPORTS**

3. **Immediate Transport.** Occurs when the client must be taken to a medical facility by the most expedient method of transportation available, to obtain treatment or evaluation for an emergency condition and includes:
 - a. Intrapartum conditions, Rules section 305.01
 - b. Postpartum conditions, Rules section 307.01
 - c. Newborn conditions, Rules section 309.01
 - d. Other conditions as determined by the LLM
4. **LLM Terminated Care.** Refer to Rules section 301.01.
5. **Informed Refusals.** LLMs who have a current CPM or MBC credential must utilize the ADH Informed Refusal Form in specific situations outlined in the Rules section 104, #4-8. The Informed Refusal Form must be completed according to Rules section 104, #8.c - #8.f. which includes the requirement for the LLM to document the Informed Refusal by completing an Incident Report form and noting the Informed Refusal on the next Caseload and Birth Report Log to be submitted to ADH. The form is maintained in the client record and a copy does not have to be submitted with the required monthly reports.
6. **Third Risk Assessment (Post Dates).** Refer to Rules section 302.01 (3) and 303.01 (5). Between 41 weeks and 0/7 days and 42 weeks and 0/7 days of gestation, a third risk assessment is required. A documented plan for care beyond 42 weeks 0/7 days gestational age must be submitted to the ADH as a required incident report.
7. **Emergency Measures.** Refer to Rules section 400. Refers to emergency measures taken by the LLM when the attendance of a physician or CNM cannot be speedily secured. Unauthorized emergency measures must be reported by the LLM. Physician- or CNM-authorized emergency measures must be reported with documentation of the physician or CNM signed orders.
8. **Perinatal Hospitalization or Death.** Refer to Rules section 400.
 - a. Complications resulting in intrauterine fetal death, or maternal or newborn death within 48 hours of delivery must be reported to ADH within two (2) business days.
 - b. Maternal or newborn deaths that occur between two (2) through thirty (30) days of birth will be reported to ADH within 5 business days.
 - c. Maternal or newborn hospitalizations that occur within thirty (30) days of delivery must be reported to ADH within five (5) business days.

The above reports must be mailed monthly to ADH and postmarked no later than the 10th of each month to the following address:

Arkansas Department of Health
Women's Health Section, Slot 16
4815 W. Markham
Little Rock, AR 72205

Year _____ Report Dates _____

[illegible]

ARKANSAS DEPARTMENT OF HEALTH LLM MONTHLY WORKSHEET

FOR ADH USE ONLY	
DATE RECEIVED _____	
BY FAX _____	BY MAIL _____
NO. CASELOAD PAGES _____	
NO. INCIDENT REPORTS _____	

LLM Name _____ Monthly Totals for Year _____

Enter the total number of events for each category for each month of the year. Enter 0 (zero) when there are no events in the month reporting.
Attach this report form as a cover sheet to the Caseload and Birth Log and all related Incident Reports for the reporting month.

MONTH	NEW CLIENTS	LEFT CARE Non-Medical Reason	LOST CONTACT	TRANSFER CARE for Medical Reason	NUMBER OF CONSULTS	NUMBER OF REFERRALS	TRANSPORTS Mother(M) Newborn(N) Both(B)	Hospitalized within 30 days of Delivery Mother(M) Newborn(N)	Number of Home Births	Number of Hospital Delivery	Number of Incident Reports
<u>JANUARY</u>											
<u>FEBRUARY</u>											
<u>MARCH</u>											
<u>APRIL</u>											
<u>MAY</u>											
<u>JUNE</u>											
<u>JULY</u>											
<u>AUGUST</u>											
<u>SEPTEMBER</u>											
<u>OCTOBER</u>											
<u>NOVEMBER</u>											
<u>DECEMBER</u>											

A copy of the Caseload and Birth Log is submitted monthly listing all clients by 4 weeks of care and postmarked by the 10th of the following month. All required incidents that must be reported to the ADH shall be documented on the Incident Report Form in the month they occur and submitted with the Caseload and Birth Log. When necessary to change a name or date on the Caseload and Birth Log, draw a single line through the incorrect entry and write the correct entry beside it. Hospitalization of the mother/newborn within 30 days of delivery must be reported within 5 business days. Complications within 48 hours of delivery that result in death of mother, infant or fetus must be reported to the department within 2 business days. Maternal and/or newborn deaths that occur between 2-30 days of delivery must be reported to the ADH within 5 business days. Submit the Caseload and Birth Log and attachments by the 10th of the following month to: **Arkansas Department of Health, Women's Health Section, Slot 16, 4815 W. Markham, Little Rock AR 72205.**

FOR ADH USE ONLY			
Date Received			
By Mail		By Fax	
# of Report Pages			

In accordance with the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas the Incident Report must be mailed to ADH by the 10th of the month following the event; earlier reporting is required for certain events as noted in this form. Enclose the report with the corresponding Caseload and Birth Log for the month. Documentation of medical consults must be maintained in the client health record and made available upon request.

**ARKANSAS DEPARTMENT OF HEALTH
PRECEPTOR-APPRENTICE AGREEMENT FOR NARM PEP APPRENTICES**

The preceptor must submit a signed Preceptor-Apprentice Agreement for each apprentice. The preceptor is responsible for the training of the apprentice and for supervision of the apprentice's performance as an assistant or primary midwife in the attainment of the required clinical experiences and demonstration of skills. The preceptor shall provide instruction prior to the performance of clinical skills, and shall sign off on the required clinical experiences and skills.

Should any Preceptor-Apprentice Agreement be terminated by either party, it is the responsibility of both parties to notify ADH immediately. An apprentice must not continue to perform under any preceptors unless a signed Preceptor-Apprentice Agreement is on file with ADH.

Apprentices shall follow all applicable Arkansas laws and these Rules.

Apprentices are required to comply with all provisions of HIPAA (Health Insurance Portability and Accountability Act).

Preceptors must meet all preceptor requirements of the North American Registry of Midwives (NARM).

Apprentice Information (PRINT):

Name _____
Address _____
City _____ State _____ Zip _____
Phones: (h) _____ (c) _____ email: _____

Preceptor Information (PRINT):

Name _____
Address _____
City _____ State _____ Zip _____
Phones: (h) _____ (c) _____ email: _____
Licensed by (state) _____ Date of expiration _____
CPM number _____ Date of expiration _____ MBC: ☐ Yes ☐ No

I agree to provide training in all of the required clinical knowledge and skills, and to supervise by direct, on-site, supervision, all clinical experiences that will have my signature on the clinical documentation experience forms for:

Apprentice's signature _____ Date _____

Signature of Preceptor _____ Date _____

ARKANSAS DEPARTMENT OF HEALTH
LLM PRE-LICENSURE CRIMINAL BACKGROUND CHECK PETITION

<u>Last Name</u>			<u>First</u>	<u>Middle</u>	<u>Date</u>
<u>Street Address</u>			<u>City</u>	<u>State</u>	<u>Zip</u>
<u>Mailing Address, if different</u>					
<u>Home Phone</u> ()	<u>Business Phone</u> ()	<u>Other Phone</u> (cellular, pager, etc.) ()	<u>Email</u>		

Criminal Record Information (Attach additional paper if necessary):

Blank lined paper for writing.

By signing this petition:

I swear or affirm that the statements contained herein (and included on any attached documentation) are true and correct and that I do not misrepresent any information contained therein.

I acknowledge that, in addition to this petition, I may be required to undergo a state and federal criminal background check at my own expense.

I acknowledge that any decision made in response to this petition is subject to change if there has been a change to the provided information during the formal application process.

I acknowledge that any decision made in response to this petition only applies to the criminal records aspect of the licensing process and does not guarantee licensure.

I acknowledge that any decision made in response to this petition is not subject to appeal.

Signature: _____ Date: _____

ARKANSAS DEPARTMENT OF HEALTH
HOSPITAL REPORTING FORM – LAY MIDWIFE PATIENT TRANSFER

Act 977 of the 2019 Regular Session of the Arkansas Legislature requires that “A hospital or licensed healthcare facility shall report to the Department of Health when a known transfer occurs of a patient from the care of a lay midwife during the labor and delivery process to the hospital or licensed healthcare facility.” Transfer reports regarding a lay midwife patient during the labor and delivery process may be filed electronically through the Lay Midwife Patient Transfer Reporting Form below or via call, mail, fax or email directed to:

Women’s Health Section Phone: (501) 661-2480
Arkansas Department of Health Fax: (501) 661-2464
4815 W. Markham, Slot 16 Email: adh.whgen@arkansas.gov
Little Rock, AR 72205

*required information TYPE OR PRINT LEGIBLY IN INK

<u>REPORTING HOSPITAL OR HEALTHCARE FACILITY INFORMATION</u>			
<u>Name of Facility*</u>	<u>Telephone Number*</u>	<u>Date of Patient Transfer*</u>	
<u>Street Address*</u>	<u>City*</u>	<u>State*</u>	<u>Zip Code*</u>
<u>CONTACT PERSON AT REPORTING HOSPITAL OR HEALTHCARE FACILITY</u>			
<u>Name*</u>	<u>Title*</u>	<u>Phone Number*</u>	
<u>Email Address</u>			
<u>INFORMATION ABOUT THE PATIENT</u>			
<u>Patient’s Last Name*</u>	<u>Patient’s First Name*</u>	<u>Patient’s Date of Birth*</u>	
<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
<u>REASON FOR TRANSFER* (Check all that apply)</u>			
<u>INTRAPARTUM</u> ☐ Prolonged or Arrested Labor ☐ Fetal Position other than Vertex ☐ Active Genital Herpes Lesions ☐ Labor prior to 37 weeks 0 days ☐ Bleeding in Labor ☐ Meconium ☐ Prolapsed Cord ☐ Non-reassuring Fetal Heart Rate ☐ Maternal Infection ☐ Suspected or Confirmed Fetal Death ☐ Maternal Elevated Blood Pressure ☐ Unknown GBS Status ☐ Other (Please describe): <u>Outcome of Delivery:</u> ☐ Vaginal Birth ☐ Cesarean Birth ☐ Additional Complications: 	<u>POSTPARTUM</u> ☐ Hemorrhage ☐ Symptoms of Shock ☐ Elevated Blood Pressure ☐ Tear or Laceration ☐ Maternal fever ☐ Inability to urinate > 6 hours after delivery ☐ Other (Please describe): 	<u>NEWBORN</u> ☐ Respiratory Distress/Cyanosis ☐ Seizures ☐ Abnormal temperature ☐ Jaundice ☐ Abnormal heart rate ☐ Unable/Refuse to Feed ☐ Congenital anomaly ☐ Petechiae or bruising ☐ Other (Please describe): 	
<u>INFORMATION ABOUT THE MIDWIFE</u>			
<u>Midwife’s Last Name*</u>		<u>Midwife’s First Name*</u>	
<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>

APPENDIX B: TRANSITIONAL PROVISIONS AND FORMS

1. Transitional Apprentices
2. Preceptor-Apprentice Agreement for Transitional Apprentices
3. Apprentice Acquisition of Clinical Skills Form

TRANSITIONAL APPRENTICES

Apprentices with active permits issued prior to the effective date of these Rules, henceforth referred to as “Transitional Apprentices”, will have three (3) years from the date these Rules take effect to successfully complete their apprenticeship and submit an application for lay midwifery licensure to ADH, and request approval to sit for the NARM written examination under the requirements listed in this Appendix. If they have not done so by that date, it will be necessary for the applicant to fulfill the requirements listed in Section 201 (Initial Licensure).

1. The apprentice must submit a signed Preceptor-Apprentice Agreement to ADH within thirty (30) days of signing for each preceptor under which the apprentice trains during the course of their apprenticeship. The ADH Preceptor-Apprentice Agreement form (found in this Appendix) or available on the ADH website) shall be used for this notification.
2. Should the Preceptor-Apprentice Agreement be terminated by either party, it is the responsibility of both parties to notify ADH immediately. An apprentice must not continue to perform under any preceptor(s) unless a new signed Preceptor-Apprentice Agreement is on file with ADH.
3. Preceptors must be an Arkansas-licensed midwife or certified nurse-midwife, or if outside of Arkansas, preceptors must be licensed by the state of residency as a direct-entry midwife or certified nurse midwife, or have a Certified Professional Midwife credential from the North American Registry of Midwives.
4. Any changes in the apprentice’s contact information must be provided to ADH by the apprentice within thirty (30) days of the status change.
5. Apprentices shall follow all applicable Arkansas laws and these Rules.
6. Apprentices are required to comply with all provisions of HIPAA (Health Insurance Portability and Accountability Act).
7. Permit Renewal

For those apprentices holding valid Apprentice Permits, on or before the effective date of these Rules, the permit must be renewed by the permit’s expiration date if necessary. Renewal will only occur upon application and favorable review by ADH. This review will assure that the lay midwife apprentice is acting under the supervision of the preceptor and in accordance with these Rules. The permit will be valid until three (3) years from the effective date of these Rules. If an apprentice has not obtained Arkansas licensure by that date, the applicant will no longer be considered a transitional apprentice and must follow the guidelines for licensure found in Section 201 (Initial Licensure).

To renew the permit, the Apprentice shall submit the following evidence at least sixty (60) days before the expiration date of the permit:

- a. A completed application (Appendix A).

- b. A copy of both sides of current certification in adult and infant cardiopulmonary resuscitation (CPR). Approved CPR courses include the American Heart Association and the American Red Cross. Note: Only certification from courses which include a hands-on skills component are accepted. Online-only courses are not accepted. It is the responsibility of the apprentice to ensure this certification is current at all times and documentation must be provided upon request.
- c. A copy of both sides of current certification in neonatal resuscitation through a course approved by NARM. Note: Only certification from courses which include a hands-on skills component are accepted. Online-only courses are not accepted. It is the responsibility of the apprentice to ensure this certification is current at all times and documentation must be provided upon request.
- d. Documentation of clinical experience for the time period covered for the current permit period. This includes progress made toward licensure for those years, i.e. number of antepartum (AP) visits conducted, labor managements and deliveries, newborn evaluations and postpartum examinations conducted under supervision.
- e. Verification of all current Preceptor-Apprentice relationships documented by a Preceptor-Apprentice Agreement form for each preceptor signed within 90 days of application submission.

8. Initial Licensure

Transitional apprentices who are approved by ADH to sit for, and who pass, the NARM written examination will be issued a license upon completion of all other requirements.

A transitional apprentice who receives licensure must go through NARM and become certified as a CPM in order to be eligible to renew their license at the end of their initial licensure period. License renewal will follow the procedures outlined in Section 202.

Once the CPM certification is received, a notarized copy of the certificate or a verification letter sent directly from NARM must be submitted to ADH within thirty (30) days of certification.

Eligibility requirements for approval for transitional apprentices to sit for the NARM written examination:

- a. A completed application.
- b. Additional documentation as follows:
 - i. A passport style and size photo of the applicant, head and shoulders, taken within sixty (60) days of the submission date of the application and attached to the application.

- ii. A copy of one of the following documents that demonstrates the applicant is 21 years of age or older:
 - A. The applicant's birth certificate.
 - B. The applicant's U.S. passport, U.S. Driver's License or other state-issued identification document.
 - C. Any document issued by federal, state or provincial registrar of vital statistics showing age.
- c. A copy of both sides of current certification in adult and infant cardiopulmonary resuscitation (CPR). Approved CPR courses include the American Heart Association and the American Red Cross. Note: Only certification from courses which include a hands-on skills component are accepted. Online-only courses are not accepted. It is the responsibility of the licensee to ensure this certification is current at all times and documentation must be provided upon request.
- d. A copy of both sides of current certification in neonatal resuscitation through a course approved by NARM. Note: Only certification from courses which include a hands-on skills component are accepted. Online-only courses are not accepted. It is the responsibility of the licensee to ensure this certification is current at all times and documentation must be provided upon request.
- e. Documentation of a high school diploma, or its equivalent, and documentation of the highest degree attained after high school. This documentation should include the name of the issuing school or institution and the date issued. Applicant's name must be the same as on the copy of the diploma or degree. If applicant's name is not the same, applicant must submit proof of name change with application.
- f. Verification of professional health-related licensure in other jurisdictions may be requested by ADH.

9. Documentation of Practical Experience

Applicants for licensure must demonstrate competency in performing clinical skills during the antepartum, intrapartum, postpartum, and the immediate newborn periods. Each applicant must successfully complete an evaluation of clinical skills. The applicant must submit a statement that the following minimal practical experience requirements have been performed under the supervision of a physician, CNM, or LLM.

These forms should be submitted only after the applicant has a "pass" on each item, except for certain emergencies that may not occur during a preceptorship. The following required forms must be submitted:

- a. Clinical Experience Documentation for Births as a Primary Midwife form
- b. Preceptor Verification Form for LLM Application
- c. Documentation of Acquisition of Clinical Knowledge and Skills (completed by each Preceptor Midwife)
 - i. The applicant must attend a minimum of 20 births as an active participant.
 - ii. Functioning in the role of primary LLM under direct on-site supervision, the applicant must attend a minimum of an additional 20 births, of these:
 - A. A minimum of 10 must occur in an out-of-hospital setting and
 - B. A minimum of 3 must include at least 4 prenatal exams, birth attendance, the newborn exam, and 1 postpartum exam, each conducted personally by the applicant with direct supervision.
 - C. 75 prenatal exams, including 20 initial exams
 - D. 20 newborn exams
 - E. 40 postpartum exams

10. Licensing Examination

- a. After the provisions listed above are satisfactorily completed, the applicant is eligible to take the NARM licensing exam.
- b. Upon receipt of documentation that the applicant has passed the NARM examination the applicant is eligible to take the Arkansas Rules Examination, administered at ADH at least three (3) times each year.
- c. The applicant shall provide proof of identity by a government-issued photographic identification card upon the request of the individual administering the test.
- d. If an applicant scores eighty percent (80%) or higher correct answers on the Arkansas Rules Examination, ADH shall provide to an applicant a written notice of examination results and a license will be issued.

**ARKANSAS DEPARTMENT OF HEALTH
PRECEPTOR-APPRENTICE AGREEMENT FOR TRANSITIONAL APPRENTICES**

The apprentice must submit a signed Preceptor-Apprentice Agreement for each preceptor under whom they train. The preceptor is responsible for the training of the apprentice and for supervision of the apprentice's performance as an assistant or primary midwife in the attainment of the required clinical experiences and demonstration of skills. The preceptor shall provide instruction prior to the performance of clinical skills, and shall sign off on the required clinical experiences and skills.

Should any Preceptor-Apprentice Agreement be terminated by either party, it is the responsibility of both parties to notify ADH immediately. An apprentice must not continue to perform under any preceptors unless a signed Preceptor-Apprentice Agreement is on file with ADH.

Apprentices shall follow all applicable Arkansas laws and these Rules.

Apprentices are required to comply with all provisions of HIPAA (Health Insurance Portability and Accountability Act).

Apprentice Information (PRINT):

Name _____
Address _____
City _____ State _____ Zip _____
Phones: (h) _____ (c) _____ email: _____

Preceptor Information (PRINT):

Name _____
Address _____
City _____ State _____ Zip _____
Phones: (h) _____ (c) _____ email: _____
Licensed by (state) _____ Date of expiration _____
CPM number _____ Date of expiration _____ MBC: ☐ Yes ☐ No

If preceptor is not licensed in Arkansas, a notarized copy of state license or CPM certificate must be submitted or a verification letter sent by NARM directly to ADH.

I agree to provide training in all of the required clinical knowledge and skills, and to supervise by direct, on-site, supervision, all clinical experiences that will have my signature on the clinical documentation experience forms for:

Apprentice's signature _____ Date _____

Signature of Preceptor _____ Date _____

ARKANSAS DEPARTMENT OF HEALTH APPRENTICE PERMIT RENEWAL

Renewed permits will be valid until three (3) years from the effective date of the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas.

Last Name	First	Middle	Date of Birth	Date
<i>It is your responsibility to notify us of any change in name or address</i>			Social Security Number	
Address (include Street, City, State, Zip)			Home Phone ()	
			Business Phone ()	
Mailing Address, if different from above			Other Phone (pager, etc.) ()	
			Email Address	
Current Health Related Licenses		State	License Number	Expiration Date
Have you ever had a license revoked in any health-related field since last application ? ☐ Yes ☐ No If yes, specify _____ _____ _____		Have you ever been convicted of a felony since last application ? ☐ Yes ☐ No If yes, specify _____ _____ _____		

Signature of Applicant

Date

LAY MIDWIFERY APPRENTICE PERMIT

For Transitional Apprentices

Transitional Apprentices will have three (3) years from the effective date of the Rules ~~and Regulations~~ Governing the Practice of Licensed Lay Midwifery in Arkansas to successfully complete their apprenticeship and submit an application for lay midwifery licensure to ADH. If necessary, the apprentice permit may be renewed during this period and will be valid until three (3) years from the effective date of the Rules. The permit must be renewed by the permit's expiration date. All renewal requirements must be received by ADH at least 60 days before the permit's expiration date.

In order to be reviewed an application for renewal must be complete and accompanied by all supporting documentation. **Type or print the application and review thoroughly before submitting. An incomplete application will delay processing.**

All applicants must submit the following items before your application will be considered:

- ☐ 1. Complete application form.
- ☐ 2. Copy of both sides of current certification in adult and infant cardiopulmonary resuscitation. Only certifications from courses which include a hands-on component are accepted. Online-only courses are not accepted. Approved CPR courses include the American Heart Association and the American Red Cross. It is the responsibility of the apprentice to ensure this certification is current at all times and documentation must be provided upon request.
- ☐ 3. Copy of both sides of current certification in neonatal resuscitation through a course approved by NARM. Only certifications from courses which include a hands-on component are accepted. Online-only courses are not accepted. It is the responsibility of the apprentice to ensure this certification is current at all times and documentation must be provided upon request.
- ☐ 5. Verification of all current Preceptor-Apprentice relationships documented by Preceptor-Apprentice Agreement forms for each preceptor signed within 90 days of application submission.
- ☐ 6. Notarized documentation of clinical experience for the time period covered for this licensing period. This includes progress made toward licensure that year, i.e. number of AP visits conducted, labor managements and deliveries, newborn evaluations and post-partum examinations conducted under supervision.

NOTE:

- Applicant's name must be the same on all documents or the applicant must submit proof of name change with application.
- A Preceptor-Apprentice Agreement form must be signed by each preceptor under which the apprentice trains during the course of the apprenticeship and sent to ADH by the apprentice within 30 days of signing. An apprentice shall submit written notice to ADH within 30 days after any change to the relationship with a preceptor.

Mail all forms and attachments to:

ARKANSAS DEPARTMENT OF HEALTH
WOMEN'S HEALTH SECTION, SLOT 16
4815 W. MARKHAM ST.
LITTLE ROCK, AR 72205

DOCUMENTATION OF ACQUISITION OF CLINICAL KNOWLEDGE AND SKILLS FOR TRANSITIONAL APPRENTICES ONLY:

Instructions for the Documentation of Clinical Experiences

All apprentices must have a Preceptor-Apprentice agreement on file with ADH for each preceptor under whom the apprentice trains. These preceptors are responsible for the training of the apprentice and for the required clinical experiences. Other midwives licensed in the state of Arkansas may sign for some of the clinical experiences.

The dates from the first assist to the final primary birth should encompass at least one year.

Preceptors are expected to sign the documentation forms at the time the skill is performed competently. Determination of “adequate performance” of the skill is at the discretion of the preceptor, and multiple demonstrations of each skill may be necessary. Documentation of attendance and performance at births, prenatal, postpartum, etc., should be signed only if mutually agreed that expectations have been met. Any misunderstanding regarding expectations for satisfactory completion of experience or skills should be discussed and resolved as soon as possible.

The preceptor is expected to provide adequate opportunities for the apprentice to observe clinical skills, to discuss clinical situations away from the clients, to practice clinical skills, and to perform the clinical skills in the capacity of a primary midwife, all while under the direct supervision of the preceptor. This means that the preceptor should be physically present when the apprentice performs the primary midwife skills. The preceptor holds final responsibility for the safety of the client or baby, and should become involved, whenever warranted, in the spirit of positive education and role modeling.

Twenty (20) of the 75 prenatal exams are required to be initial exams and include the midwife’s prenatal exam, initial interview and history (Appendix B, #9.c.).

Births as an Active Participant are births where the apprentice is being taught to perform the skills of a midwife. Charting, other skills, providing labor support, and participating in management discussions may all be done in Active Participant births in increasing degrees of responsibility. Catching the baby should be a skill that is taught towards the end of the active participant period, but not counted as a supervised primary. The apprentice does not have to perform all skills at every birth in this category, but should be present throughout labor and birth and should perform at least some skills at every birth. The apprentice should complete most of the active participant births before functioning as Primary Midwife under supervision.

Births as Primary Midwife under supervision means that the apprentice demonstrates the ability to perform all aspects of midwifery care to the satisfaction of the preceptor, who is physically present and supervising the apprentice’s performance of skills and decision making. Some skills at these births may be performed by the preceptor or other midwives/apprentices, but the catching of the baby, most skills, and labor management should be performed by the apprentice who is claiming the birth as a primary birth under supervision.

****It is recommended that the apprentice make blank copies of all forms in the Application in the event that more space is needed for documentation of clinical experience, or when more preceptors are involved.**

Documentation of Acquisition of Clinical Knowledge and Skills

Clinical Experience Documentation for Births as an Active Participant

*see Preceptor-Apprentice Documentation Information prior to signing this form

Name of Apprentice _____

Client Initials	Assist at Initial Midwife Exam	Number of Additional Prenatals	Assist at Birth	Date of birth	Place of birth	Assist Newborn Exam	Number of Postpartum Exams	Supervising Midwife's Signature
Example	Yes	4	Yes	1/3/06	home	Yes	2	
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
Minimum required			20					
Your numbers								

There are no minimum numbers for any clinicals except assisting at birth, however, it is expected that the supervising midwife will provide training both outside of and during the performance of these other clinicals. The apprentice should provide the number of clinical experiences at which she assisted for each client listed. More than twenty spaces are provided in case some clinicals are performed on clients for which the apprentice does not attend the birth. Put a "yes" or "no" in columns unless a number, date, or other information is required. Do not leave spaces blank. Place of birth: indicate home, birth center, or hospital. Transports may count as an assist if the apprentice assisted during labor at home or birth center prior to transport. There may be a period of training where the apprentice observes but does not perform assistant activities at clinical experiences. Observations should not be documented as assists.

Documentation of Acquisition of Clinical Knowledge and Skills

Clinical Experience Documentation for Births as Primary Midwife

*see Preceptor-Apprentice Documentation Information prior to signing this form

Name of Apprentice _____

Client Initials	Perform Initial Midwife Exam	Number of Additional Prenatals	Manage Labor and Birth	Date of birth	Place of birth	Perform Newborn Exam	Number of Postpartum Exams	Supervising Midwife's Signature
Example	Yes	8	Yes	1/3/06	home	Yes	2	
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
Minimum required	20	55	20			20	40	
Your numbers								

The apprentice should provide the number of clinical experiences at which she assisted for each client listed. More than twenty spaces are provided in case some clinicals are performed on clients for which the apprentice does not attend the birth. Put a "yes" or "no" in columns unless a number, date, or other information is required. Do not leave spaces blank. For at least three clients, the apprentice should have provided a minimum of 4 prenatals, birth, newborn, and 2 postpartum exams. Place of birth code: please indicate home, birth center, or hospital. **Transports to the hospital may not count toward required primary births, but may be documented for prenatal exams, etc.**

Documentation of Acquisition of Clinical Knowledge and Skills

Apprentice's name _____

The following skills must be documented by a qualified preceptor as being competently performed by the apprentice. **Performance of the skills includes a demonstration and/or verbal discussion of the knowledge implied by the performance of the skill. Please indicate "by discussion" if skill is not performed.**

The preceptor should **date and initial** each line of any skill she is verifying. More than one preceptor may sign in order to complete the form. All preceptors who sign should also be listed on the Preceptor Verification Form.

General Skills

Demonstrates use of universal health precautions relevant to midwifery care _____
Demonstrates appropriate application of aseptic and sterile technique _____
Demonstrates thorough and accurate documentation of care _____

Pharmacology

Demonstrates knowledge of the benefits and risks of the following and refers for prescription and administration when indicated:
Rh Immune Globulin (RhoGam) for an Rh negative mother _____
Vitamin K & erythromycin for the newborn _____
Pitocin _____
Safe use, care, and transport of oxygen _____
Prophylaxis for Group B Strep _____
Postpartum Rubella immunization when non-immune _____

Antepartum

Assessment Skills:

Basic health history/OB and gynecological history/family history _____
Obtains diet history and provides nutritional education _____
Obtains interval updates of medical history _____
Evaluates general appearance _____
Obtains weight and height _____
Assesses maternal weight gain _____
Vital signs: temp, pulse, respirations, blood pressure _____
Urine testing for glucose, protein and nitrites _____
Examination of the skin for color and appearance _____
Examination of the pupils, whites and conjunctiva of the eyes _____
Examination of the thyroid gland for enlargement _____
Examination of lymph glands of the neck and underarm for enlargement _____
Auscultates heart for rate and rhythm _____
Auscultates lungs for abnormal breath sounds _____
Percusses the costovertebral angle for pain _____
Speculum examination of the vagina for color, discharge, leakage of fluid _____
Identifies position, presentation, lie of fetus (Leopold's maneuvers) _____
Assessment of Fetal Heart Rate auscultated by fetascope or doppler _____
Identifies pelvic landmarks, assesses pelvis _____
Measurement of fundal height _____

Documentation of Acquisition of Clinical Knowledge and Skills

Estimates fetal size _____
Lower extremities for varicosities _____
Edema of face legs and hands _____
Determines estimated due date _____
Assesses well-being _____

Intervention Skills:

Evaluates knowledge of self- breast exam techniques _____
Instruction of clean catch urine specimen _____
Recognizes the indications for genetic counseling and refers as appropriate _____
Understands and applies knowledge of good eating practices _____
Evaluates and makes recommendations for discomforts of pregnancy _____
Demonstrates knowledge and application of ADA Clinical Practice Recommendations for gestational diabetic screening and diagnosis _____
Demonstrates knowledge of normal and abnormal of required prenatal screening tests _____
Completes pre-delivery home visit _____
Educates regarding home birth supplies _____

Identifies and takes appropriate action including consultation, referral, or immediate transport when indicated and according to LMW Protocols in the following Prenatal situations:

Suspected abnormality on physical examination _____
Size/Date discrepancy _____
Elevated Blood Pressure Readings _____
Abnormal Kick Count _____
Abnormal weight gain or loss _____
Abnormal Prenatal screening tests _____
Symptoms of urinary tract infections _____
Hyperemesis _____
Abnormal Fetal Heart Rate Patterns _____
Absence of Fetal Heart Rate _____
Position other than vertex presentation _____
Preterm labor _____
Symptoms of Ectopic (Tubal)pregnancy _____
Abnormal vaginal bleeding _____
Prolonged or Premature rupture of membranes _____
Post term pregnancy _____

Labor and Birth

Assessment Skills:

Takes history relevant to labor _____
Assesses effacement and dilation of cervix _____
Assesses station of presenting part _____
Assesses fetal lie, position, and descent _____
Assesses uterine contractions for frequency, duration, and intensity _____
At required intervals, monitors and assesses fetal heart rate during and between contractions _____
Assesses food and fluid intake and output _____

Documentation of Acquisition of Clinical Knowledge and Skills

Assesses maternal well-being and responds appropriately:

Vital signs _____
Emotional well being _____
Assesses labor progress _____

Intervention Skills:

Demonstrates basic labor support skills and comfort measures _____
Uses maternal position changes to facilitate labor _____
Demonstrates perineal support and hand techniques for delivery _____
Demonstrates proficiency in assisting normal, spontaneous vaginal birth _____
Supports father and other family members _____
Organizes birth equipment _____
Follows sterile technique _____

Identifies and takes appropriate action including consultation, referral or immediate transport when indicated and according to LMW Protocols in the following Intrapartum situations:

Abnormal fetal heart rates/patterns _____
Prolapsed cord _____
Breech presentation and birth _____
Face presentation and birth _____
Multiple birth _____
Shoulder dystocia _____
Abnormal bleeding _____
Nuchal hand, arm, or cord _____
Edematous cervical lip _____
Rupture of membranes _____
Meconium stained fluids _____
Abnormal changes in vital signs (maternal) _____
Maternal dehydration and/or exhaustion _____
Prolonged labor in:
Primagravida _____
Multigravida _____
Abnormal progress of labor _____
Symptoms of Pre-eclampsia _____
Suspected fetal death _____

Postpartum Period

Assessment Skills

Determines signs of placental separation _____
Assesses placenta for size, structure, completeness, cord insertion, and number of vessels, and color _____
Assesses uterus from birth throughout the immediate postpartum period for height, size, consistency, and retained clots _____
Identifies bladder distention and consults or refers if indicated _____
Assesses and estimates blood loss _____
Assesses lochia: amount, odor, consistency, color _____
Recognizes postpartum hemorrhage _____
Recognizes symptoms of shock _____
Assesses perineum and cervix for lacerations _____

Documentation of Acquisition of Clinical Knowledge and Skills

Identifies potential perineal infection or suture breakdown _____
Identifies abnormal uterine size after delivery of placenta _____
Identifies signs of uterine infection _____
Identifies need for Family Planning counseling and refers as indicated _____

Intervention Skills:

Appropriately assists with placental delivery _____
Demonstrates competency in repair of 1st and 2nd degree perineal lacerations _____
Demonstrates plan for referral for extensive lacerations _____
Takes appropriate action for postpartum hemorrhage (fundal massage, bimanual compression, expression of clots, activating emergency transport plan) _____
Demonstrates correct maternal positioning for treatment of shock and activates emergency transport plan _____
Instructs the mother on postpartum conditions requiring medical evaluation (i.e. excessive bleeding, increasing pain, severe headaches or dizziness or inability to void) _____
Develops guidelines for emergency transport of mother or baby _____
Performs maternal exam at 12-24 hours _____
Performs Postpartum evaluation at 2-6 weeks _____

Identifies and takes appropriate action including consultation, referral or immediate transport when indicated and according to LMW Protocols in the following Postpartum situations:

Abnormal uterine involution _____
Maternal fever _____
Signs of uterine infection _____
Signs of breast infection _____
Hemorrhage _____
Third and fourth degree lacerations _____
Signs and symptoms of shock _____
Activates emergency transport plan _____

Newborn Care

Assessment Skills:

Recognizes signs and symptoms of respiratory distress, possible infection, seizures or jaundice in newborns _____
Determines APGAR scores at one and five minutes _____

Performs newborn assessment and evaluation to minimally include:

General appearance _____
Alertness _____
Flexion of extremities and muscle tone _____
Sucking _____
Palate: visualization and palpation _____
Skin color, lesions, birthmarks, vernix, lanugo, and peeling _____
Measurements of length, head and chest circumference _____
Weight _____
Head: molding, fontanelles, hematoma, caput, sutures _____
Eyes: jaundice of whites, pupils, tracking, spacing _____

Documentation of Acquisition of Clinical Knowledge and Skills

Ears: positioning, responds to sound, appear patent _____
Observe chest for symmetry _____
Listen to and count heart rate and respirations _____
Fingers and toes, normal structure and appearance, creases, prints _____
Genitalia: normal appearance, testicle descent in males _____
Takes and records temperature _____
Takes and records femoral pulse _____
Assesses baby for jaundice _____
Gestational age assessment and refers for less than 36 weeks gestation _____
Performs newborn exam at 24-48 hours _____

Intervention Skills:

Assures that the baby's airway is clear, uses suction when indicated _____
Promotes temperature regulation of newborn _____
Supports the establishment of emotional bonds among the baby, mother, and family _____
Cuts, clamps, and cares for cord _____
Collects cord blood when indicated _____
Documents administration of eye prophylaxis _____
Performs or refers for the state required Newborn Screening test _____
Completes Infant Hearing Loss Screening Form _____
Educates mother/parents regarding cord care _____
Assists mother in establishing breastfeeding _____
Provides breastfeeding instruction information _____
Instructs mother in normal and abnormal feeding patterns _____
Assists with breastfeeding positioning and milk expression _____

Identifies and takes appropriate action including consultation ,referral or immediate transport when indicated and according to LMW Protocols in the following Newborn situations:

Apgar score of less than 5 at one minute or 7 at 5 minutes _____
Jaundice at 0-24 hours _____
Meconium staining on the skin _____
Abnormal heart rate _____
Birth weight less than 5 lbs or greater than 10 lbs _____
Abnormal voiding or stool pattern _____
Temperature over 100 or less than 97.7 _____
Abnormal cry _____
Abnormal feeding patterns (vomiting, poor suck, lethargy) _____
Jaundice at 24-48 hours _____
Abnormal respiratory pattern (tachypnea or apnea) _____
Signs of bleeding (i.e. petechia, bruises) _____
Rupture of membranes more than 24 hours before birth _____

Education and Counseling Skills

Interaction, Support and Counseling Skills:

Understands and applies principles of informed choice _____
Exhibits communication skills with women, peers, other health care providers _____

Documentation of Acquisition of Clinical Knowledge and Skills

Functions as women's advocate during pregnancy, birth, and postpartum period _____
Assesses maternal support system _____
Consults with other health care professionals regarding problems _____

Basic Prenatal Education

Understands and can demonstrate knowledge of:

Emotional and physical changes during pregnancy and postpartum _____
Signs of labor _____
Fetal development _____
Preparing home and family members for birth, as is culturally relevant _____
Preparation for breastfeeding _____
Effects of smoking, drugs, and alcohol consumption _____
Signs and symptoms that necessitate an immediate call to the midwife _____
Preparation for the postpartum period _____
Exploration of fears, concerns, and psycho-social status with family, as appropriate _____
Benefits of exercise _____
Sexuality education appropriate to pregnancy and postpartum _____
Information about required prenatal tests and lab work _____
Circumcision information, as culturally appropriate _____
Information regarding eye prophylaxis _____
Information regarding vitamin K _____
Information regarding the LLM Newborn Care Kit provided by ADH _____
Information regarding the state required PKU for newborn screening _____
Information regarding the Newborn Screening test _____
Information regarding Screening for Infant Hearing Loss _____

Record Keeping and Forms

Demonstrates knowledge on completion of the Birth Certificate _____
Demonstrate knowledge on completion of the Acknowledgement of Paternity Affidavit _____
Demonstrate knowledge of LLM Caseload and Birth Log and ADH submission requirements _____
Demonstrate knowledge of Incident Report and ADH submission requirements _____
Understand components of Emergency Back-up Plans _____
Understand components of LLM Disclosure Form _____
Understand the LLM record keeping requirements _____
Understand the ADH record audit requirements _____
Understand requirements for CLIA certification to perform laboratory tests _____

Documentation of Acquisition of Clinical Knowledge and Skills

By signing this form for the Documentation of Acquisition of Clinical Knowledge and Skills, I recognize that I have completed the orientation process for each of the skills listed. I have demonstrated knowledge, understanding and competency in the skills and procedures as verified thru demonstration or discussion by my supervising preceptor(s). I have demonstrated knowledge of and adherence to the Rules and Regulations Governing the Practice of Licensed Lay Midwifery in Arkansas.

Signature of Preceptor

date

***Notarize here if you are an Apprentice applying for the Lay Midwife License**

Notary seal for verification of preceptor's signature:

Signature of Notary

date signed

date of expiration

Documentation of Acquisition of Clinical Knowledge and Skills

Preceptor Verification Form for LLM Application

All apprentices must have a Preceptor-Apprentice agreement on file with the Department of Health for each preceptor under whom they train. Preceptors are responsible for the training of the apprentice and for the majority of the required clinical experiences. Other midwives licensed in the state of Arkansas may sign for some of the clinical experiences and skills. If any preceptor not licensed in the state of Arkansas is also a signer of any clinical experiences or skills, that preceptor must have a Preceptor-Apprentice Agreement on file with ADH. The following information must be filled out for any preceptor who signs any portion of the Application as documentation of clinical experiences or skills. Preceptors must be licensed in a state as a licensed midwife or CNM, or must have the credential Certified Professional Midwife (CPM). Number of births listed below means the number supervised for THIS APPRENTICE, not the total experience of the supervising midwife. Fill out all lines for documentation of clinical experiences, indicating zero if none supervised, before signing.

Name _____
Address _____
Phone _____ E-mail _____
Licensed in which state? _____ License number _____
CPM: ☐ Yes ☐ No CPM # _____ date of expiration _____
Dates of supervision _____ to _____
Number of births supervised as assistant _____ number primary _____
Number PRIMARY: initials _____, prenatals _____, newborns _____, postpartums _____
Signature of Preceptor _____

Name _____
Address _____
Phone _____ E-mail _____
Licensed in which state? _____ License number _____
CPM? _____ CPM # _____ date of expiration _____
Dates of supervision _____ to _____
Number of births supervised as assistant _____ number primary _____
Number PRIMARY: initials _____, prenatals _____, newborns _____, postpartums _____
Signature of Preceptor _____

Name _____
Address _____
Phone _____ E-mail _____
Licensed in which state? _____ License number _____
CPM? _____ CPM # _____ date of expiration _____
Dates of supervision _____ to _____
Number of births supervised as assistant _____ number primary _____
Number PRIMARY: initials _____, prenatals _____, newborns _____, postpartums _____
Signature of Preceptor _____

Documentation of Acquisition of Clinical Knowledge and Skills

Name _____
Address _____
Phone _____ E-mail _____
Licensed in which state? _____ License number _____
CPM? _____ CPM # _____ date of expiration _____
Dates of supervision _____ to _____
Number of births supervised as assistant _____ number primary _____
Number PRIMARY: initials _____, prenatals _____, newborns _____, postpartums _____
Signature of Preceptor _____

Name _____
Address _____
Phone _____ E-mail _____
Licensed in which state? _____ License number _____
CPM? _____ CPM # _____ date of expiration _____
Dates of supervision _____ to _____
Number of births supervised as assistant _____ number primary _____
Number PRIMARY: initials _____, prenatals _____, newborns _____, postpartums _____
Signature of Preceptor _____

Name _____
Address _____
Phone _____ E-mail _____
Licensed in which state? _____ License number _____
CPM? _____ CPM # _____ date of expiration _____
Dates of supervision _____ to _____
Number of births supervised as assistant _____ number primary _____
Number PRIMARY: initials _____, prenatals _____, newborns _____, postpartums _____
Signature of Preceptor _____

Name _____
Address _____
Phone _____ E-mail _____
Licensed in which state? _____ License number _____
CPM? _____ CPM # _____ date of expiration _____
Dates of supervision _____ to _____
Number of births supervised as assistant _____ number primary _____
Number PRIMARY: initials _____, prenatals _____, newborns _____, postpartums _____
Signature of Preceptor _____

APPENDIX C: CEU CALCULATIONS

CEU CALCULATIONS

CALCULATIONS FOR NUMBER OF CEUS REQUIRED FOR LLM RENEWAL OF LICENSE BASED ON ALL BEING RENEWED IN AUGUST EVERY 3 YEARS.

Months since license was issued	Number of CEUs required
36	30 hours
35	29 hours
34	28 hours
33	27 hours
32	27 hours
31	26 hours
30	25 hours
29	24 hours
28	23 hours
27	23 hours
26	22 hours
25	21 hours
24	20 hours
23	19 hours
22	18 hours
21	17 hours
20	17 hours
19	16 hours
18	15 hours
17	14 hours
16	13 hours
15	12 hours
14	11 hours
13	10 hours
12	10 hours
11	9 hours
10	8 hours
9	7 hours
8	6 hours
7	5 hours
6	4 hours
5	3 hours
4	3 hours
3	2 hours
2	1 hours
1	0 hours

State of Arkansas

As Engrossed: H2/13/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1301

By: Representative Cozart

For An Act To Be Entitled

AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED
TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE
OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN
INDIVIDUALS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RED TAPE REDUCTION
EXPEDITED TEMPORARY AND PROVISIONAL
LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR
CERTAIN INDIVIDUALS.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Red Tape Reduction
Expedited Temporary and Provisional Licensure Act."

SECTION 2. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and



1 supported in partnership with the National Conference of State Legislatures,
2 the Council of State Governments, and the National Governors Association;

3 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
4 to the Red Tape Reduction Working Group to review and address occupational
5 licensing regulations that create unnecessary barriers to labor market entry;
6 and

7 (4) The Red Tape Reduction Working Group issued a final report
8 to the Governor in the fall of 2018 with five (5) recommendations for
9 substantive legislative reform, which are to:

10 (A) Establish an expedited procedure for occupational
11 licensing entities to collectively submit administrative rules that are
12 responsive to new legislation;

13 (B) Extend Acts 2017, No. 781, to allow repeal of
14 subsections of rules;

15 (C) Establish provisions to allow certain agencies to
16 consider occupational relevance with regard to criminal background issues;

17 (D) Authorize occupational licensing entities to identify
18 types of individuals or entities that may be issued temporary or provisional
19 licenses; and

20 (E) Establish a systematic process for review of:

21 (i) New occupational licensure and occupational
22 licensing entities; and

23 (ii) Existing occupational licensure and
24 occupational licensing entities.

25 (b) It is the intent of the General Assembly to authorize occupational
26 licensing entities to identify types of individuals or entities that may be
27 issued temporary or provisional licenses.

28
29 SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
30 to add an additional section to read as follows:

31 17-1-108. Expedited temporary and provisional licensure.

32 (a) As used in this section:

33 (1) "Individual" means a natural person, firm, association,
34 partnership, corporation, or other entity that may hold an occupational
35 licensure;

36 (2) "Occupational licensing entity" means an office, board,

1 commission, department, council, bureau, or other agency of state government
2 having authority to license, certify, register, permit, or otherwise
3 authorize an individual to engage in a particular occupation or profession;
4 and

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

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

11 (1) Demonstrates that he or she:

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

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

17 (C) Has not had his or her occupational licensure revoked
18 for:

19 (i) An act of bad faith; or

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

21 (D) Is not holding a suspended or probationary
22 occupational licensure in any state, territory, or district of the United
23 States; and

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

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

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

29 (B) The rule adopted under subdivision (c)(1)(A) of this
30 section shall provide the procedure by which an occupational licensing entity
31 shall grant a temporary and provisional occupational licensure for ninety
32 (90) days or longer to an individual under subsection (b) of this section if
33 presented with evidence of a current and active occupational licensure that
34 is substantially similar to practice in the field of his or her occupation or
35 profession in another state, territory, or district of the United States.

36 (2) If a state, territory, or district of the United States does

1 not require occupational licensure for a profession that requires
2 occupational licensure in this state, an occupational licensing entity shall
3 adopt a rule that is least restrictive to permit an individual who is
4 sufficiently competent in his or her field to obtain occupational licensure
5 for that occupation or profession in this state.

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

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

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

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

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

31 (g) This section shall not apply to:

32 (1) Reciprocity or license by endorsement provisions under §§
33 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
34 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
35 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

36 (2) The occupational licensing entities that administer the

1 reciprocity provisions under subdivision (g)(1) of this section.

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

8
9 /s/Cozart

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12 APPROVED: 3/12/19
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State of Arkansas

As Engrossed: S3/28/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL
LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING
MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL
OF RULES SUBMITTED BY OCCUPATIONAL LICENSING
ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
OCCUPATIONAL LICENSURE OF ACTIVE DUTY
SERVICE MEMBERS, RETURNING MILITARY
VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW
AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

(1) The current law regarding the issuance of licenses,
certificates, and permits required to enable the holder to lawfully engage in
a profession, trade, or employment in this state continues to constitute a
hardship on active duty service members, returning military veterans, and
their spouses;

(2) Acts 2017, No. 248, amended the law to require that all
state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty
2 service members, returning military veterans, and their spouses;

3 (3) State boards and commissions required to promulgate rules by
4 Acts 2017, No. 248, have failed to do so in accordance with the law; and

5 (4) Automatic licensure is necessary to remedy these hardships
6 and allow active duty service members, returning military veterans, and their
7 spouses to engage in their chosen professions.

8
9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of~~ Automatic
11 licensure for active duty service members, returning military veterans, and
12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section:

14 (1) "Automatic licensure" means the granting of occupational
15 licensure without an individual's having met occupational licensure
16 requirements provided under this title or by the rules of the occupational
17 licensing entity;

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

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

26 (4) "returning Returning military veteran" means a former member
27 of the United States Armed Forces who was discharged from active duty under
28 circumstances other than dishonorable.

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~
30 ~~or permits required to enable the holder to lawfully engage in a profession,~~
31 ~~trade, or employment in this state~~ An occupational licensing entity shall
32 allow grant the following individuals to secure employment with a temporary
33 license, certificate, or permit while completing the application process for
34 full licensure or certification or permitting automatic licensure to engage
35 in an occupation or profession if the to an individual who is the holder in
36 good standing of a substantially equivalent license, certificate, or permit

1 occupational license issued by another state, territory, or district of the
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the
4 State of Arkansas;

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

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~
8 (b)(1)(A) and ~~(2)~~ (b)(1)(B) of this section.

9 (2) However, an occupational licensing entity shall be required
10 to provide automatic licensure if the proposed rules are not approved as
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~
13 ~~procedures for full licensure, certification, or permitting for the following~~
14 ~~individuals:~~

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

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

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~
22 ~~certification, or permitting for an active duty military service member~~
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~
24 ~~within one (1) year of his or her discharge from active duty, a state board~~
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~
27 ~~training and experience in the area of licensure, certification, or~~
28 ~~permitting is substantially similar to experience or education required for~~
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~
32 ~~experience or education required for licensure, certification, or permitting~~
33 ~~if the state board or commission determines the military training and~~
34 ~~experience is a satisfactory substitute for the experience or education~~
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~
2 ~~an active duty military service member deployed outside the State of Arkansas~~
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~
4 ~~following the active duty military service member's or spouse's return from~~
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~
7 ~~exemption from continuing education required as part of licensure,~~
8 ~~certification, or permitting for a profession, trade, or employment in this~~
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~
18 ~~section may require evidence of completion of continuing education before~~
19 ~~issuing the individual a subsequent license, certificate, or permit or~~
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~
22 ~~to carry out the provisions of this section.~~

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

27 (d) The Administrative Rules and Regulations Subcommittee of the
28 Legislative Council shall:

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

33 (2) Approve the proposed rules submitted under subsection (c)
34 based on:

35 (A) A determination of whether the expedited process and
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

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

5 (e) The Administrative Rules and Regulations Subcommittee of the
6 Legislative Council may:

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

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

18 (f) An occupational licensing entity shall:

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

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

28 (A) Active duty military service members stationed in the
29 State of Arkansas;

30 (B) Returning military veterans applying within one (1)
31 year of his or her discharge from active duty; or

32 (C) The spouse of a person under subdivisions (f)(2)(A)
33 and (f)(2)(B) of this section.

34
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations
3 Subcommittee of the Legislative Council shall complete the review and
4 approval process of the proposed rules required by § 17-1-106 within one (1)
5 year of the effective date of this act.

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7
8 /s/Irvin

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11 APPROVED: 4/9/19
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State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1860

By: Representative D. Ferguson

For An Act To Be Entitled

AN ACT TO REQUIRE REPORTING TO THE DEPARTMENT OF
HEALTH OF PATIENT TRANSFERS FROM A LAY MIDWIFE; AND
FOR OTHER PURPOSES.

Subtitle

TO REQUIRE REPORTING TO THE DEPARTMENT OF
HEALTH OF PATIENT TRANSFERS FROM A LAY
MIDWIFE.

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

SECTION 1. Arkansas Code Title 17, Chapter 85, Subchapter 1, is
amended to add an additional section to read as follows:

17-85-109. Reporting of transfers.
A hospital or licensed healthcare facility shall report to the
Department of Health when a known transfer occurs of a patient from the care
of a lay midwife during the labor and delivery process to the hospital or
licensed healthcare facility.

APPROVED: 4/12/19



State of Arkansas *As Engrossed: S3/18/19 H4/3/19*

92nd General Assembly

Regular Session, 2019

A Bill

SENATE BILL 451

By: Senator J. Cooper

By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND
OCCUPATIONS TO OBTAIN CONSISTENCY
REGARDING CRIMINAL BACKGROUND CHECKS AND
DISQUALIFYING OFFENSES FOR LICENSURE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and
supported in partnership with the National Conference of State Legislatures,
the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals
to the Red Tape Reduction Working Group to review and address occupational



1 licensing regulations that create unnecessary barriers to labor market entry;
2 and

3 (4) The Red Tape Reduction Working Group issued a final report
4 to the Governor in the fall of 2018 with five (5) recommendations for
5 substantive legislative reform, which are to:

6 (A) Establish an expedited procedure for occupational
7 licensing entities to collectively submit administrative rules that are
8 responsive to new legislation;

9 (B) Extend Acts 2017, No. 781, to allow repeal of
10 subsections of rules;

11 (C) Establish provisions to allow certain agencies to
12 consider occupational relevance with regard to criminal background issues;

13 (D) Authorize occupational licensing entities to identify
14 types of individuals or entities that may be issued temporary or provisional
15 licenses; and

16 (E) Establish a systematic process for review of:

17 (i) New occupational licenses and occupational
18 licensing entities; and

19 (ii) Existing occupational licenses and occupational
20 licensing entities.

21 (b) It is the intent of the General Assembly to establish provisions
22 to allow certain agencies to consider occupational relevance with regard to
23 criminal background issues.

24
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29
30 17-2-101. Definitions.

31 As used in this subchapter:

32 (1) "Criminal record" means any type of felony or misdemeanor
33 conviction;

34 (2) "Licensing entity" means an office, board, commission,
35 department, council, bureau, or other agency of state government having
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

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

6
7 17-2-102. Licensing restrictions based on criminal records.

8 (a) An individual is not eligible to receive or hold a license issued
9 by a licensing entity if that individual has pleaded guilty or nolo
10 contendere to or been found guilty of any of the following offenses by any
11 court in the State of Arkansas or of any similar offense by a court in
12 another state or of any similar offense by a federal court, unless the
13 conviction was lawfully sealed under the Comprehensive Criminal Record
14 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,
15 pardoned or expunged under prior law:

16 (1) Capital murder as prohibited in § 5-10-101;

17 (2) Murder in the first degree and second degree as prohibited
18 in §§ 5-10-102 and 5-10-103;

19 (3) Manslaughter as prohibited in § 5-10-104;

20 (4) Negligent homicide as prohibited in § 5-10-105;

21 (5) Kidnapping as prohibited in § 5-11-102;

22 (6) False imprisonment in the first degree as prohibited in § 5-
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-
25 106;

26 (8) Robbery as prohibited in § 5-12-102;

27 (9) Aggravated robbery as prohibited in § 5-12-103;

28 (10) Battery in the first degree as prohibited in § 5-13-201;

29 (11) Aggravated assault as prohibited in § 5-13-204;

30 (12) Introduction of a controlled substance into the body of
31 another person as prohibited in § 5-13-210;

32 (13) Aggravated assault upon a law enforcement officer or an
33 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
34 felony;

35 (14) Terroristic threatening in the first degree as prohibited
36 in § 5-13-301;

- 1 (15) Rape as prohibited in § 5-14-103;
2 (16) Sexual indecency with a child as prohibited in § 5-14-110;
3 (17) Sexual extortion as prohibited in § 5-14-113;
4 (18) Sexual assault in the first degree, second degree, third
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
6 (19) Incest as prohibited in § 5-26-202;
7 (20) Offenses against the family as prohibited in §§ 5-26-303 –
8 5-26-306;
9 (21) Endangering the welfare of an incompetent person in the
10 first degree, as prohibited in § 5-27-201;
11 (22) Endangering the welfare of a minor in the first degree as
12 prohibited in § 5-27-205;
13 (23) Permitting the abuse of a minor as prohibited in § 5-27-
14 221;
15 (24) Engaging children in sexually explicit conduct for use in
16 visual or print media, transportation of minors for prohibited sexual
17 conduct, pandering or possessing visual or print medium depicting sexually
18 explicit conduct involving a child, or use of a child or consent to use of a
19 child in a sexual performance by producing, directing, or promoting a sexual
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,
21 and 5-27-403;
22 (25) Computer child pornography as prohibited in § 5-27-603;
23 (26) Computer exploitation of a child in the first degree as
24 prohibited in § 5-27-605;
25 (27) Felony adult abuse as prohibited in § 5-28-103;
26 (28) Theft of property as prohibited in § 5-36-103;
27 (29) Theft by receiving as prohibited in § 5-36-106;
28 (30) Arson as prohibited in § 5-38-301;
29 (31) Burglary as prohibited in § 5-39-201;
30 (32) Felony violation of the Uniform Controlled Substances Act,
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-
32 419 – 5-64-442;
33 (33) Promotion of prostitution in the first degree as prohibited
34 in § 5-70-104;
35 (34) Stalking as prohibited in § 5-71-229;
36 (35) Criminal attempt, criminal complicity, criminal

solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) of this section, a licensing entity may waive disqualification or revocation of a license based on the conviction if a request for a waiver is made by:

(A) An affected applicant for a license; or

(B) The individual holding a license subject to revocation.

(2) A basis upon which a waiver may be granted includes without limitation:

(A) The age at which the offense was committed;

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to the occupational license;

and

(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

(A) Was not convicted for committing a violent or sexual offense; and

(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the

1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

3 (e) Due to the serious nature of the offenses, the following shall
4 result in permanent disqualification for licensure:

5 (1) Capital murder as prohibited in § 5-10-101;

6 (2) Murder in the first degree as prohibited in § 5-10-102 and
7 murder in the second degree as prohibited in § 5-10-103;

8 (3) Kidnapping as prohibited in § 5-11-102;

9 (4) Aggravated assault upon a law enforcement officer or an
10 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
11 felony;

12 (5) Rape as prohibited in § 5-14-103;

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

16 (8) Incest as prohibited in § 5-26-202;

17 (9) Endangering the welfare of an incompetent person in the
18 first degree as prohibited in § 5-27-201;

19 (10) Endangering the welfare of a minor in the first degree as
20 prohibited in § 5-27-205;

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

24 (f) This chapter does not preclude a licensing entity from taking
25 emergency action against a licensee as authorized under § 25-15-211 for the
26 sake of public health, safety, or welfare.

27 (g) The permanent disqualification for an offense listed in subsection
28 (e) of this section does not apply to an individual who holds a valid license
29 on the effective date of this chapter.

30 (h) This section does not apply to licensure or certification:

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under
35 the Private Security Agency, Private Investigator, and School Security
36 Licensing and Credentialing Act, § 17-40-101 et seq.

17-2-103. Prelicensure criminal background checks.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure and whether or not he or she could obtain a waiver under § 17-2-102(b).

(2) The petition shall include details on the criminal record of the individual.

(b)(1) A licensing entity may require that the applicant undergo a state and federal criminal background check as required by the licensing entity for all applicants for a license.

(2) The petitioner under subsection (a) of this section shall be responsible for payment for the state and federal criminal background check.

17-2-104. Rules.

(a) A licensing entity shall adopt or amend rules necessary for the implementation of this chapter.

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

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, 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, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstractor, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

1 reapplication for a certificate of registration by the Arkansas Abstracters'
2 Board, is amended to read as follows:

3 (a) If the applicant satisfactorily passes the examinations ~~and is of~~
4 ~~good moral character~~, the applicant shall be certified as a registered
5 abstracter, and the certificate provided for shall be issued to him or her.
6 The privileges granted by the certificate shall continue unless revoked, as
7 provided in this chapter, or unless the certificate is otherwise surrendered
8 to the Arkansas Abstracters' Board.

9
10 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of
11 certificates authorized by the Arkansas Abstracters' Board, is amended to
12 read as follows:

13 (a) The Arkansas Abstracters' Board is authorized, after a hearing as
14 provided in § 17-11-341, to cancel and revoke any certificate of registration
15 issued to any person under the provisions of this chapter:

16 (1) For a violation of any of the provisions of this chapter;

17 (2) Upon a conviction of the holder of such a certificate of a
18 crime ~~involving moral turpitude~~ under § 17-1-102; or

19 (3) If the board finds the holder to be guilty of habitual
20 carelessness or of fraudulent practices in the conduct of the business of
21 abstracting.

22
23 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure
24 of appeal for revocation of certificates authorized by the Arkansas
25 Abstracters' Board, is amended to read as follows:

26 (a)(1) Upon a verified complaint being filed with the Arkansas
27 Abstracters' Board or upon the board's own motion filing a complaint charging
28 the holder of a certificate of registration with a violation of any of the
29 provisions of this chapter, or conviction of a crime involving ~~moral~~
30 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent
31 practices in the conduct of the business of abstracting, or charging the
32 holder of a certificate of authority with failure to furnish the bond or
33 bonds, or other securities, required by § 17-11-324, or with failing to have
34 employed a registered abstracter as provided in § 17-11-301, or with a
35 violation of any of the provisions of this chapter, the board shall
36 immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

1 accountant.

2
3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal
4 background check for initial licensure of accountants, is amended to read as
5 follows:

6 (d) Upon completion of the criminal background checks, the
7 Identification Bureau of the Department of Arkansas State Police shall
8 forward to the board all releasable information obtained concerning the
9 ~~commission by the applicant of any offense listed in subsection (e) of this~~
10 ~~section.~~

11
12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~
16 ~~federal court may not receive or hold a license as a certified public~~
17 ~~accountant or public accountant.~~

18
19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the
20 grounds for revocation or suspension of licensure of accountants, are amended
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,
25 ~~or fraud, or moral turpitude~~ under the law of any state or of the United
26 States;

27
28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for
29 revocation or suspension of licensure of an accountant, is amended to add an
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas
32 State Board of Public Accountancy may refuse to issue a license to or
33 reinstate a license of a person who has been convicted of a felony involving
34 theft or fraud, regardless of the amount of time that has elapsed since the
35 conviction.

1 SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers
2 and duties regarding criminal background checks of the Arkansas Appraiser
3 Licensing and Certification Board, is amended to read as follows:

4 (i) During the five (5) years immediately preceding
5 the date of the application was convicted of, or pled guilty or nolo
6 contendere to, a crime that would call into question the applicant's fitness
7 for registration, licensure, or certification, including without limitation a
8 crime involving:

9 ~~(a) Moral turpitude;~~

10 ~~(b)(1)~~(a)(1) An act substantially related to
11 the qualifications, functions, or duties of an appraiser.

12 (2) A crime or act may be deemed
13 substantially related to the qualifications, functions, or duties of an
14 appraiser if, to a substantial degree, the crime or act evidences present or
15 potential unfitness of a person applying for or holding a real property
16 appraiser credential to perform the functions authorized by the credential;

17 ~~(e)~~(b) Taking, appropriating, or retaining the
18 funds or property of another;

19 ~~(d)~~(c) Forging, counterfeiting, or altering an
20 instrument affecting the rights or obligations of another;

21 ~~(e)~~(d) Evasion of a lawful debt or obligation,
22 including without limitation a tax obligation;

23 ~~(f)~~(e) Trafficking in narcotics or controlled
24 substances;

25 ~~(g)~~(f) Violation of a relation of trust or
26 confidence;

27 ~~(h)~~(g) Theft of personal property or funds;

28 ~~(i)~~(h) An act of violence or threatened
29 violence against persons or property; or

30 ~~(j)~~(i) A sexually related crime or act under §
31 5-14-101 et seq.;

32
33 SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and
34 disciplinary procedures of the Arkansas Appraiser Licensing and Certification
35 Board for licensees, is repealed.

36 ~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

1 ~~involving moral turpitude or of any felony.~~

2 ~~(B) A plea of nolo contendere or no contest shall be~~
3 ~~considered a conviction for the purposes of this section.~~

4
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements
6 for registration under the Appraisal Management Company Registration Act, is
7 amended to read as follows:

8 (3)(A) The name, address, and contact information of any person
9 that owns ten percent (10%) or more of the appraisal management company.

10 (B) Any person owning more than ten percent (10%) of an
11 appraisal management company in this state shall:

12 ~~(i) Be of good moral character, as determined by the~~
13 ~~board; and~~

14 ~~(ii) Submit~~ submit to a state criminal background
15 check and a national fingerprint-based criminal background check performed by
16 the Federal Bureau of Investigation in compliance with federal law and
17 regulations;

18
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the
20 disciplinary authority, enforcement, and hearings under the Appraisal
21 Management Company Registration Act, is amended to read as follows:

22 (3) The person has pleaded guilty or nolo contendere to or been
23 found guilty of:

24 (A) A felony listed under § 17-2-102; or

25 (B) Within the past ten (10) years:

26 (i) A misdemeanor involving mortgage lending or real
27 estate appraising; or

28 (ii) An offense involving breach of trust, ~~moral~~
29 ~~turpitude~~, or fraudulent or dishonest dealing;

30
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of
32 "good moral character" related to architects, is repealed.

33 ~~(3)(A) "Good moral character" means character that will enable a~~
34 ~~person to discharge the fiduciary duties of an architect to his or her client~~
35 ~~and to the public for the protection of health, safety, and welfare.~~

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~
2 ~~308,~~

3
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations
5 to be a registered and licensed architect, is amended to read as follows:

6 (b)(1) To be qualified for admission to an examination to practice
7 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least
8 twenty-one (21) years of age ~~and of good moral character.~~

9
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for
11 revocation of a license for an architect, is amended to read as follows:

12 (5) The holder of the license or certificate of registration has
13 been guilty of a felony listed under § 17-2-102;

14
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the
16 registration requirements for an athlete agent under the Uniform Athlete
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to
19 paragraph (7) has been convicted of a crime that, if committed in this State,
20 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-
21 102, and identify the crime;

22
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or
24 revocation of a license of an auctioneer, is amended to read as follows:

25 (6) Being convicted of a criminal offense involving ~~moral~~
26 ~~turpitude~~ or a felony listed under § 17-2-102 in a court of competent
27 jurisdiction of this or any other jurisdiction;

28
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character
30 references for a professional bail bondsman license, is amended to read as
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that
33 he or she is competent, trustworthy, financially responsible, and of good
34 personal and business reputation and has not been convicted of a felony ~~or~~
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.

1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension
2 and penalties for a professional bail bondsman licensee, is amended to read
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §
7 17-2-102;

8
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

10 17-20-302. Qualifications of applicants.

11 Any person shall be qualified to receive a certificate of registration
12 to practice as a registered barber who:

13 (1) Is qualified under this chapter;

14 ~~(2) Is of good moral character and temperate habits;~~

15 ~~(3)~~(2) Has passed a satisfactory examination conducted by the
16 State Board of Barber Examiners to determine his or her fitness to practice
17 barbering;

18 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

19 ~~(5)~~(4) Has received training approved by the appropriate
20 licensing authorities.

21
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for
23 disciplinary action of barbers, is amended to read as follows:

24 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a
25 certified copy of the record of the court of conviction.

26
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for
28 revocation, suspension, or refusal of license issued by the State Board of
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications
35 of any applicant for an original license or any renewal license, shall, among
36 other things, consider the following:

- 1 (1) Experience;
- 2 (2) Ability;
- 3 ~~(3) Character;~~
- 4 ~~(4)~~(3) The manner of performance of previous contracts;
- 5 ~~(5)~~(4) Financial condition;
- 6 ~~(6)~~(5) Equipment;
- 7 ~~(7)~~(6) Any other fact tending to show ability and willingness to
- 8 conserve the public health and safety; and
- 9 ~~(8)~~(7) Default in complying with the provisions of this chapter
- 10 or ~~any other~~ another law of the state.
- 11

12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications
13 for a contractors license, is amended to add an additional subsection to read
14 as follows:

15 (c) In addition to the offenses listed in § 17-2-102, the board may
16 consider the following offenses when determining fitness for licensure or
17 registration of a contractor under this chapter:

18 (1) Conviction of a crime with an element of dishonesty or fraud
19 under the laws of this state, another state, or the United States;

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
21 16-102;

22 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
23 seq.; and

24 (4)(A) A crime or act that is substantially related to the
25 qualifications, functions, or duties of a contractor.

26 (B) A crime or act may be deemed substantially related to
27 the qualifications, functions, or duties of a contractor if, to a substantial
28 degree, the crime or act evidences present or potential unfitness of a person
29 applying for or holding a contractors license or registration to perform the
30 functions authorized by the license or registration.

31
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications
33 for a contractors license through the Residential Contractors Committee, is
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

2 (1) Conviction of a crime with an element of dishonesty or fraud
3 under the laws of this state, another state, or the United States;

4 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
5 16-102;

6 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
7 seq.; and

8 (4)(A) A crime or act that is substantially related to the
9 qualifications, functions, or duties of a contractor.

10 (B) A crime or act may be deemed substantially related to
11 the qualifications, functions, or duties of a contractor if, to a substantial
12 degree, the crime or act evidences present or potential unfitness of a person
13 applying for or holding a contractors license or registration to perform the
14 functions authorized by the license or registration.

15
16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for
17 disciplinary action for cosmetology and other related occupations, is amended
18 to read as follows:

19 (10) Conviction under the laws of the United States or any state
20 or territory of the United States of a crime that is:

21 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,
22 as evidenced by a certified copy of a court record or by license application;
23 and

24 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in
25 any way related to the practice or teaching of the cosmetology industry,
26 unless the applicant or licensee can demonstrate to the board's satisfaction
27 that the applicant or licensee has been sufficiently rehabilitated to warrant
28 the public trust;

29
30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of
31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

32 (c) The committee shall be composed of the following representatives
33 from within the cosmetology industry who are ~~of good moral character and who~~
34 ~~are~~ at least twenty-five (25) years of age:

35 (1) One (1) member shall be a licensed cosmetologist actively
36 engaged in practicing the art of cosmetology for at least five (5) years at

1 the time of appointment;

2 (2) One (1) member shall be a licensed nail technician;

3 (3) One (1) member shall be an owner of a licensed school of
4 cosmetology or shall be a director of cosmetology at a state-supported
5 school;

6 (4) One (1) member shall be a licensed aesthetician; and

7 (5) Three (3) members shall represent the cosmetology industry
8 at large or a related field.

9
10 SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications
11 for a licensed professional counselor, is amended to read as follows:

12 (2) The applicant is highly regarded in ~~personal character and~~
13 professional ethics;

14
15 SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications
16 for a licensed marriage and family therapist before January 1, 1998, is
17 amended to read as follows:

18 (2) The applicant is highly regarded in ~~personal character and~~
19 professional ethics;

20
21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
22 17-27-313. Criminal background checks.

23 (a) The Arkansas Board of Examiners in Counseling may require each
24 applicant for license renewal and each first-time applicant for a license
25 issued by the board to apply to the Identification Bureau of the Department
26 of Arkansas State Police for a state and national criminal background check,
27 to be conducted by the Identification Bureau of the Department of Arkansas
28 State Police and the Federal Bureau of Investigation.

29 (b) The check shall conform to the applicable federal standards and
30 shall include the taking of fingerprints.

31 (c) The applicant shall sign a release of information to the board and
32 shall be responsible for the payment of any fee associated with the criminal
33 background check.

34 (d) Upon completion of the criminal background check, the
35 Identification Bureau of the Department of Arkansas State Police shall
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~
4 ~~found guilty of any of the following offenses by any court in the State of~~
5 ~~Arkansas or of any similar offense by a court in another state or of any~~
6 ~~similar offense by a federal court;~~

7 ~~(1) Capital murder as prohibited in § 5-10-101;~~

8 ~~(2) Murder in the first degree and second degree as prohibited~~
9 ~~in §§ 5-10-102 and 5-10-103;~~

10 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

11 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

12 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
16 ~~106;~~

17 ~~(8) Robbery as prohibited in § 5-12-102;~~

18 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

19 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

20 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

21 ~~(12) Introduction of controlled substance into body of another~~
22 ~~person as prohibited in § 5-13-210;~~

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~
24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~
26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~
31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~
36 ~~first degree as prohibited in § 5-27-201;~~

1 ~~(22) Endangering the welfare of a minor in the first degree as~~
2 ~~prohibited in § 5-27-205;~~

3 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

4 ~~(24) Engaging children in sexually explicit conduct for use in~~
5 ~~visual or print media, transportation of minors for prohibited sexual~~
6 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
10 ~~5-27-403;~~

11 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

12 ~~(26) Computer exploitation of a child in the first degree as~~
13 ~~prohibited in § 5-27-605;~~

14 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

15 ~~(28) Theft of property as prohibited in § 5-36-103;~~

16 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

17 ~~(30) Arson as prohibited in § 5-38-301;~~

18 ~~(31) Burglary as prohibited in § 5-39-201;~~

19 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
21 ~~5-64-442;~~

22 ~~(33) Promotion of prostitution in the first degree as prohibited~~
23 ~~in § 5-70-104;~~

24 ~~(34) Stalking as prohibited in § 5-71-229; and~~

25 ~~(35) Criminal attempt, criminal complicity, criminal~~
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

28 ~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of
29 provisional eligibility for licensure to a first-time applicant pending the
30 results of the criminal background check.

31 ~~(2) Upon receipt of information from the Identification Bureau~~
32 ~~of the Department of Arkansas State Police that the person holding such a~~
33 ~~letter of provisional licensure has pleaded guilty or nolo contendere to or~~
34 ~~been found guilty of any offense listed in subsection (e) of this section,~~
35 ~~the board shall immediately revoke the provisional license.~~

36 ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

3 ~~(B) The person holding a license subject to revocation;~~

4 ~~(2) Circumstances for which a waiver may be granted shall~~
5 ~~include, but not be limited to, the following:~~

6 ~~(A) The age at which the crime was committed;~~

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

12 ~~(G) Other evidence demonstrating that the applicant does~~
13 ~~not pose a threat to the health or safety of children.~~

14 (f) For the purposes of this section, the board shall follow the
15 licensing restrictions based on criminal records under § 17-2-102.

16 ~~(h)-(i)(g)(1)~~ Any information received by the board from the
17 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
18 under this section shall not be available for examination except by:

19 (A) The affected applicant for licensure, or his or her
20 authorized representative; or

21 (B) The person whose license is subject to revocation, or
22 his or her authorized representative.

23 (2) No record, file, or document shall be removed from the
24 custody of the Department of Arkansas State Police.

25 ~~(i)(h)~~ Any information made available to the affected applicant for
26 licensure or the person whose license is subject to revocation shall be
27 information pertaining to that person only.

28 ~~(j)(i)~~ Rights of privilege and confidentiality established under this
29 section shall not extend to any document created for purposes other than this
30 background check.

31 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
32 fully implement the provisions of this section.

33
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions
35 and prohibited conduct of embalmers and funeral directors, is amended to read
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

2
3 SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the
4 administrative violations and penalties for an engineer, is amended to read
5 as follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for
9 registration with the Arkansas State Board of Registration for Foresters, is
10 repealed.

11 ~~(c) A person shall not be eligible for registration as a forester who~~
12 ~~is not of good character and reputation.~~

13
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a
15 certificate for a registered forester, is amended to read as follows:

16 (b)(1) The board may revoke the certificate of any registered forester
17 who has been convicted of a felony listed under § 17-2-102 or who is found
18 guilty by the board of any fraud, deceit, gross negligence,
19 misrepresentation, willful violation of contract, misconduct, or gross
20 incompetence.

21 (2) The board shall investigate such charges.

22
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,
28 suspension, or revocation of a registration certificate of a geologist, is
29 amended to read as follows:

30 (3) Any felony listed under § 17-2-102;

31
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102
35 that bears directly on the fitness of the applicant to be registered;

1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of
2 revocation for a license of an interior designer, is amended to read as
3 follows:

4 (5) The holder of the registration has been guilty of a felony
5 listed under § 17-2-102;

6
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

10 (1) Be at least twenty-one (21) years of age; and
11 ~~(2) Be of good moral character; and~~
12 ~~(3)~~(2) Pass an examination covering the matters confronting
13 landscape architects that is prepared by:

14 (A) The Arkansas State Board of Architects, Landscape
15 Architects, and Interior Designers; or

16 (B) Another entity as selected by the Arkansas State Board
17 of Architects, Landscape Architects, and Interior Designers.

18
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of
20 revocation for a landscape architect, is amended to read as follows:

21 (5) The holder of the license or certificate has been guilty of
22 a felony listed under § 17-2-102;

23
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any
27 licensee found guilty shall be subject to disciplinary action as provided in
28 § 17-42-312:

29 (1) Obtaining a license by means of fraud, misrepresentation, or
30 concealment;

31 (2) Violating any of the provisions of this chapter or any rules
32 ~~or regulations adopted pursuant to~~ under this chapter or any order issued
33 under this chapter;

34 (3) Being convicted of or pleading guilty or nolo contendere to
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,
36 *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether

1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

3 (5) Making, printing, publishing, distributing, or causing,
4 authorizing, or knowingly permitting the making, printing, publication, or
5 distribution of false statements, descriptions, or promises of such character
6 as to reasonably induce, persuade, or influence any person to act thereon;

7 (6) Failing within a reasonable time to account for or to remit
8 any moneys coming into his or her possession which belong to others;

9 (7) Committing any act involving ~~moral turpitude~~ violence,
10 *fraud*, dishonesty, untruthfulness, or untrustworthiness;

11 (8) Acting for more than one (1) party in a transaction without
12 the knowledge of all parties for whom he or she acts or accepting a
13 commission or valuable consideration for the performance of any of the acts
14 specified in this chapter from any person except the licensed principal
15 broker under whom he or she is licensed;

16 (9) Acting as a broker or salesperson while not licensed with a
17 principal broker, representing or attempting to represent a broker other than
18 the principal broker with whom he or she is affiliated without the express
19 knowledge and consent of the principal broker, or representing himself or
20 herself as a salesperson or having a contractual relationship similar to that
21 of a salesperson with anyone other than a licensed principal broker;

22 (10) Advertising in a false, misleading, or deceptive manner;

23 (11) Being unworthy or incompetent to act as a real estate
24 broker or salesperson in such a manner as to safeguard the interests of the
25 public;

26 (12) Paying a commission or valuable consideration to any person
27 for acts or services performed in violation of this chapter, including paying
28 a commission or other valuable consideration to an unlicensed person for
29 participation in a real estate auction; and

30 (13) Any other conduct, whether of the same or a different
31 character from that specified in this section, which constitutes improper,
32 fraudulent, or dishonest dealing.

33
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, fraud,
4 dishonesty, untruthfulness, or untrustworthiness.

5
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance
7 or denial of a license for an instructor of real estate education license, is
8 amended to read as follows:

9 (3) The person or entity has pleaded guilty or nolo contendere
10 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor
11 involving violence, fraud, misrepresentation, or dishonest or dishonorable
12 dealing in a court of competent jurisdiction; or

13
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations
15 that disqualify for a real estate educator license or licensee, is amended to
16 read as follows:

17 (3) Committing an act, a felony listed under § 17-2-102, or a
18 crime involving ~~moral turpitude~~ violence, fraud, dishonesty, untruthfulness,
19 or untrustworthiness regardless of whether the imposition of the sentence has
20 been deferred or suspended;

21
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application
23 for examination for a sanitarian certificate of registration, is amended to
24 read as follows:

25 (a) The Arkansas State Board of Sanitarians shall admit to examination
26 any person who makes application to the Secretary of the Arkansas State Board
27 of Sanitarians on forms prescribed and furnished by the board, and pays an
28 application fee of twenty dollars (\$20.00) to defray the expense of
29 examination, ~~and submits evidence satisfactory to the board that he or she is~~
30 ~~of good moral character.~~

31
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:

33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of
35 registration without examination to any person who makes application on forms
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)~~(1) Has had at least two (2) years' experience in the field
4 of environmental sanitation; and

5 ~~(3)~~(2) Is registered as a sanitarian in a state in which the
6 qualifications for registration are not lower than the qualifications for
7 registration in this state at the time he or she applies for registration.
8

9 SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for
10 suspension, revocation, or refusal to renew a sanitarian certificate of
11 registration, is amended to read as follows:

12 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or
13 refuse to renew a certificate of registration upon proof that the applicant+

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.
17

18 SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility
19 and application for registration as a professional soil classifier or soil
20 classifier-in-training, is amended to read as follows:

21 (a) To be eligible for registration as a professional soil classifier
22 or certification as a soil classifier-in-training, an applicant ~~must+~~

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~
26 information ~~as~~ the board may require, together with five (5) references,
27 three (3) of which shall be professional soil classifiers having personal
28 knowledge of his or her soil classifying experience or, in the case of an
29 application for certification as a soil classifier-in-training, three (3)
30 character references.
31

32 SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

33 17-47-311. Disciplinary actions – Grounds.

34 The Arkansas State Board of Registration for Professional Soil
35 Classifiers shall have the power to suspend, refuse to renew, or revoke the
36 certificate of registration of, or reprimand, any registrant who is guilty

1 of:

- 2 (1) Fraud or deceit in obtaining a certificate of registration;
3 (2) Gross negligence, incompetence, or misconduct in the
4 practice of soil classifying;
5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~
6 ~~turpitude~~; or
7 (4) A violation of the code of ethics adopted and promulgated by
8 the board.

9
10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the
11 qualifications for certification as a surveyor, is amended to read as
12 follows:

13 (a) A person who shows to the satisfaction of the State Board of
14 Licensure for Professional Engineers and Professional Surveyors that he or
15 she is a person ~~of good character and reputation and~~ over twenty-one (21)
16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if
17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the
19 practice of land surveying issued to him or her on the basis of a written
20 examination by proper authority of a state, territory, possession of the
21 United States, the District of Columbia, or any foreign country, based on
22 requirements and qualifications as shown on his or her application that in
23 the opinion of the board are equal to or higher than the requirements of this
24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with
26 sufficient surveying courses or a surveying technology curriculum of two (2)
27 years or more approved by the board, followed by at least two (2) years of
28 land surveying that must be surveying experience of a character satisfactory
29 to the board, who has passed a written examination designed to show that he
30 or she is qualified to practice land surveying in this state, may be licensed
31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved
33 engineering or surveying curriculum may be considered as equivalent to one
34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)
36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a
2 written examination designed to show that he or she is qualified to practice
3 land surveying may be granted a certificate of licensure to practice land
4 surveying in this state if he or she is otherwise qualified.

5 (B) Each year of satisfactory work in an approved
6 engineering or engineering technology curriculum majoring in surveying may be
7 considered as one (1) year of experience in land surveying, but not exceeding
8 two (2) years.

9
10 SECTION 54. Arkansas Code § 17-48-203(c), concerning the
11 qualifications for licensure as a surveyor intern, is amended to read as
12 follows:

13 (c) ~~A person who shows to the satisfaction of the board that he or she~~
14 ~~is a person of good character~~ shall be eligible for licensure as a surveyor
15 intern if he or she qualifies under one (1) of the following provisions:

16 (1) A person holding a certificate of licensure as a surveyor
17 intern issued to him or her on the basis of a written examination by proper
18 authority of a state, territory, possession of the United States, the
19 District of Columbia, or any foreign country, based on requirements and
20 qualifications as shown on his or her application, which requirements and
21 qualifications, in the opinion of the board, are equal to or higher than the
22 requirements of this chapter, may be licensed as a surveyor intern at the
23 discretion of the board;

24 (2) A graduate from an approved engineering curriculum with
25 sufficient surveying courses, or a surveying technology curriculum of two (2)
26 years or more, approved by the board, who has passed a written examination
27 designed to show that he or she is proficient in surveying fundamentals, may
28 be licensed if he or she is otherwise qualified; or

29 (3)(A) An applicant who cannot qualify under subdivision (c)(2)
30 of this section and who has four (4) years or more of active experience in
31 land surveying of a character satisfactory to the board and who has passed a
32 written examination designed to show that he or she is proficient in
33 surveying fundamentals may be licensed if he or she is otherwise qualified.

34 (B) Each year of satisfactory work in an approved
35 engineering or engineering technology curriculum majoring in surveying may be
36 considered as one (1) year of experience in land surveying, but not exceeding

1 two (2) years.

2
3 SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the
4 administrative violations and penalties of a surveyor, is amended to read as
5 follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant
9 qualifications for registration as a certified water well driller or
10 certified pump installer, is repealed.

11 ~~(2) Is of good moral character;~~

12
13 SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints
14 against and disciplinary procedures for a home inspector, is amended to read
15 as follows:

16 ~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving~~
17 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

18 ~~(B) A plea of nolo contendere or no contest is considered~~
19 ~~a conviction for the purposes of this section;~~

20
21 SECTION 58. Arkansas Code § 17-52-315(a), concerning the application
22 for registration as a home inspector, is amended to read as follows:

23 (a) Any person applying for registration or renewal of registration as
24 a home inspector shall ~~be of good moral character and shall~~ submit to the
25 Arkansas Home Inspector Registration Board:

26 (1) An application under oath upon a form to be prescribed by
27 the board;

28 (2) A current certificate of insurance issued by an insurance
29 company licensed or surplus lines approved to do business in this state that
30 states that the applicant has procured general liability insurance in the
31 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,
32 workers' compensation insurance; and

33 (3) The required registration or registration renewal fee with
34 the application.

35
36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

1 application for licensure as a chiropractor, is amended to read as follows:

2 (2) The applicant must submit proof satisfactory to the board of
3 graduation from a chartered school or college of chiropractic as herein
4 described and file with his or her application the affidavits of at least two
5 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~
6 ~~of good moral character.~~

7
8 SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the
9 qualifications of applicants for licensure as a chiropractor, is repealed.

10 ~~(6) Be of good moral character;~~

11
12 SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal
13 background check required for a chiropractor, is amended to read as follows:

14 (e) Except as provided in subsection (f) of this section, a person
15 shall not receive or hold a license issued by the board if the person has
16 been convicted of or pleaded guilty or nolo contendere to any felony listed
17 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,
18 untruthfulness, or untrustworthiness, or is a registered sex offender or
19 required to register as a sex offender.

20
21 SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing
22 procedure for dentists, is amended to read as follows:

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental
30 Association-accredited college of dentistry with the degree of Doctor of
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental

1 Medicine, or an equivalent degree approved by the board;

2 (C) Have passed an examination approved by the board and
3 authorized under § 17-82-303;

4 (D) Be a resident of the State of Arkansas and the United
5 States and be in compliance with federal laws of immigration; and

6 (E) Serve a period of at least one (1) year under a
7 provisional license issued by the board to foreign graduates and successfully
8 complete the monitoring requirements as ordered by the board at the time the
9 provisional license is issued.

10
11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing
12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)~~ (1) Have graduated from a dental hygiene program which is
16 accredited by the American Dental Association Commission on Dental
17 Accreditation and approved by the board for the training of dental
18 hygienists; and

19 ~~(3)~~ (2) Submit upon request ~~such~~ proof as required by the board
20 may require touching upon ~~character and~~ fitness.

21
22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the
23 credentials for dentists and dental hygienists licensed in other states, is
24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,
26 setting forth the applicant's ~~moral reputation and character~~, history with
27 the board, professional ability, and such other information or data as the
28 board may deem necessary or expedient.

29
30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation
31 or suspension of a license for a dentist, dental hygienist, or dental
32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual
34 drunkenness for a period of three (3) months; insanity; adjudication of
35 insanity or mental incompetency if deemed detrimental to patients; conviction
36 of ~~an infamous crime or~~ a felony listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional
2 incompetency; failure to maintain proper standards of sanitation or failure
3 otherwise to maintain adequate safeguards for the health and safety of
4 patients; or employment in the practice of the profession of any drug,
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally
6 used by the dental profession;

7
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice
11 dentistry or another healthcare profession issued by the Arkansas State Board
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or
13 has been found guilty of ~~either an infamous crime that would impact his or~~
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~
16 ~~pardoned~~ listed under § 17-2-102.

17
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a
21 license or may revoke or suspend a license issued under this chapter for any
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;
24 (2) Engaging in unprofessional conduct or gross incompetence as
25 defined by the rules of the board or violating the standards of professional
26 responsibility adopted and published by the board; or
27 (3) ~~Conviction in this or any other state of any crime that is a~~
28 ~~felony in this state~~ of a felony listed under § 17-2-102; or
29 ~~(4) Conviction of a felony in a federal court.~~

30
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the
32 qualifications for licensure and internship for hearing instrument
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:
35 (A) Is twenty (20) years of age or older; and
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college
2 or university; ~~and~~

3 ~~(C) Is of good moral character.~~

4
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
7 dispenser license, is amended to read as follows:

8 (1) Being convicted of a crime ~~involving moral turpitude. A~~
9 ~~record of a conviction, certified by the judge or the clerk of the court~~
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;
12

13 SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers
14 and duties of the State Board of Health regarding massage therapy licenses,
15 are amended to read as follows:

16 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~
17 ~~receive or hold a license issued by the Department of Health if the applicant~~
18 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~
19 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~
20 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~
21 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~
22 the board shall follow the licensing restrictions based on criminal records
23 under § 17-2-102.

24 ~~(2) A provision of this section may be waived by the Department~~
25 ~~of Health if:~~

26 ~~(A) The conviction is for a Class A misdemeanor and:~~

27 ~~(i) The completion of the applicant's sentence and~~
28 ~~probation or completion of the applicant's sentence or probation of the~~
29 ~~offense is at least three (3) years from the date of the application; and~~

30 ~~(ii) The applicant has no criminal convictions~~
31 ~~during the three year period; or~~

32 ~~(B) The conviction is for a felony of any classification~~
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~
35 ~~probation or the completion of the applicant's sentence or probation of the~~
36 ~~offense is at least five (5) years from the date of the application; and~~

1 ~~(ii) The applicant has no criminal convictions~~
2 ~~during the five year period.~~

3 ~~(f) The Department of Health may permit an applicant to be licensed~~
4 ~~regardless of having been convicted of an offense listed in this section,~~
5 ~~upon making a determination that the applicant does not pose a risk of harm~~
6 ~~to any person served by the Department of Health.~~

7 ~~(g) In making a determination under subsection (f) of this section,~~
8 ~~the Department of Health may consider the following factors:~~

9 ~~(1) The nature and severity of the crime;~~
10 ~~(2) The consequences of the crime;~~
11 ~~(3) The number and frequency of crimes;~~
12 ~~(4) The relationship between the crime and the health, safety,~~
13 ~~and welfare of persons served by the Department of Health, such as:~~

14 ~~(A) The age and vulnerability of victims of the crime;~~

15 ~~(B) The harm suffered by the victim; and~~

16 ~~(C) The similarity between the victim and persons served~~
17 ~~by the Department of Health;~~

18 ~~(5) The time elapsed without a repeat of the same or similar~~
19 ~~event;~~

20 ~~(6) Documentation of successful completion of training or~~
21 ~~rehabilitation pertinent to the incident; and~~

22 ~~(7) Any other information that bears on the applicant's ability~~
23 ~~to care for others or other relevant information.~~

24 ~~(h) If the Department of Health waives the provisions of subsection~~
25 ~~(e) of this section, the Department of Health shall submit the reasons for~~
26 ~~waiving this provision in writing, and the determination and reasons shall be~~
27 ~~made available to the members of the Department of Health for review.~~

28
29 SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications
30 for licensure as a massage therapist, is amended to read as follows:

31 (1) Furnish to the Department of Health satisfactory proof that
32 he or she is eighteen (18) years of age or older ~~and of good moral character;~~

33
34 SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary
35 actions and penalties for massage therapists, is amended to read as follows:

36 (a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the
2 following grounds:

3 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A
5 felony listed under § 17-2-102;

6 (2) Malpractice or gross incompetency;

7 (3) The use in advertisements of untruthful or improbable
8 statements or flamboyant, exaggerated, or extravagant claims concerning the
9 licensee's professional excellence or abilities;

10 (4) Habitual drunkenness or habitual use of any illegal drugs;

11 (5) Serving alcoholic beverages at the clinic or school in a
12 room where massage therapy is being performed or in a massage therapy school;

13 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional
14 conduct;

15 (7) Failure to comply with the Department of Health's Massage
16 Therapy Code of Ethics or any valid regulation or order of the committee;

17 (8) Invasion of the field of practice of any profession for
18 which a license is required, the diagnosis of ailments, diseases, or injuries
19 of human beings, the performance of osseous adjustments, prescription of
20 medications, or other breaches of the scope of practice of massage therapy;

21 (9) Failure of any licensee to comply with this chapter; or

22 (10) Failure to have licensed personnel to perform massage
23 therapy techniques in his or her clinic or school.

24
25 SECTION 73. Arkansas Code § 17-87-301(a), concerning the
26 qualifications for an applicant for licensure as a registered nurse, is
27 amended to read as follows:

28 (a) Qualifications. Before taking the examination or before the
29 issuance of a license by endorsement, an applicant for a license to practice
30 professional nursing shall submit to the Arkansas State Board of Nursing
31 written evidence, verified by oath, that the applicant:

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~ (1) Has completed an approved high school course of study or
34 the equivalent thereof as determined by the appropriate educational agency;
35 and

36 ~~(3)~~ (2) Has completed the required approved professional nursing

1 education program.

2
3 SECTION 74. Arkansas Code § 17-87-304(a), concerning the
4 qualifications of an applicant for licensure as a licensed practical nurse,
5 is amended to read as follows:

6 (a) Qualifications. An applicant for a license to practice practical
7 nursing shall submit to the Arkansas State Board of Nursing evidence,
8 verified by oath, that the applicant:

9 ~~(1) Is of good moral character;~~

10 ~~(2)~~(1) Has completed an approved high school course of study or
11 the equivalent thereof as determined by the appropriate educational agency;
12 and

13 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
14 program for the preparation of practical nurses and holds a diploma or
15 certificate therefrom. However, the board may waive this requirement if the
16 board determines the applicant to be otherwise qualified.

17
18 SECTION 75. Arkansas Code § 17-87-305(a), concerning the
19 qualifications of an applicant for licensure as a licensed psychiatric
20 technician nurse, is amended to read as follows:

21 (a) Qualifications. An applicant for a license to practice
22 psychiatric technician nursing shall submit to the Arkansas State Board of
23 Nursing evidence, verified by oath, that the applicant:

24 ~~(1) Is of good moral character;~~

25 ~~(2)~~(1) Has completed an approved high school course of study or
26 the equivalent thereof as determined by the appropriate educational agency;
27 and

28 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
29 program for the preparation of psychiatric technician nurses and holds a
30 diploma or certificate therefrom. However, the board may waive this
31 requirement if the board determines the applicant to be otherwise qualified.

32
33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the
36 Identification Bureau of the Department of Arkansas State Police shall

1 forward to the board all releasable information obtained concerning the
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~
3 ~~section.~~

4 (e) For purposes of this section, the board shall follow the licensing
5 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
6 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~
7 ~~receive or hold a license issued by the board if that person has pleaded~~
8 ~~guilty or nolo contendere to or has been found guilty of any of the following~~
9 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~
10 ~~court in another state or of any similar offense by a federal court;~~

11 ~~(1) Capital murder as prohibited in § 5-10-101;~~

12 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
13 ~~murder in the second degree as prohibited in § 5-10-103;~~

14 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

15 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

16 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

17 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
18 ~~11-103;~~

19 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
20 ~~106;~~

21 ~~(8) Robbery as prohibited in § 5-12-102;~~

22 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

23 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

24 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

25 ~~(12) Introduction of a controlled substance into the body of~~
26 ~~another person as prohibited in § 5-13-210;~~

27 ~~(13) Aggravated assault upon a law enforcement officer or an~~
28 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

29 ~~(14) Terroristic threatening in the first degree as prohibited~~
30 ~~in § 5-13-301;~~

31 ~~(15) Rape as prohibited in § 5-14-103;~~

32 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

33 ~~(17) Sexual extortion, § 5-14-113;~~

34 ~~(18) Sexual assault in the first degree, second degree, third~~
35 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

36 ~~(19) Incest as prohibited in § 5-26-202;~~

1 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~
2 ~~26-303—5-26-306;~~

3 ~~(21) Endangering the welfare of an incompetent person in the~~
4 ~~first degree as prohibited in § 5-27-201;~~

5 ~~(22) Endangering the welfare of a minor in the first degree as~~
6 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~
7 ~~degree as prohibited in § 5-27-206;~~

8 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

9 ~~(24) Engaging children in sexually explicit conduct for use in~~
10 ~~visual or print media, transportation of minors for prohibited sexual~~
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
15 ~~5-27-403;~~

16 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

17 ~~(26) Computer exploitation of a child in the first degree as~~
18 ~~prohibited in § 5-27-605;~~

19 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

20 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

22 ~~(30) Arson as prohibited in § 5-38-301;~~

23 ~~(31) Burglary as prohibited in § 5-39-201;~~

24 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
26 ~~5-64-442;~~

27 ~~(33) Promotion of prostitution in the first degree as prohibited~~
28 ~~in § 5-70-104;~~

29 ~~(34) Stalking as prohibited in § 5-71-229; and~~

30 ~~(35) Criminal attempt, criminal complicity, criminal~~
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33 (f)(1)(A) The board may issue a nonrenewable temporary permit for
34 licensure to a first-time applicant pending the results of the criminal
35 background check.

36 ~~(B)~~(2) The permit shall be valid for no more than six (6)

1 months.

2 ~~(2) Except as provided in subdivision (1)(1) of this section,~~
3 ~~upon receipt of information from the Identification Bureau of the Department~~
4 ~~of Arkansas State Police that the person holding the letter of provisional~~
5 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~
6 ~~of, any offense listed in subsection (e) of this section, the board shall~~
7 ~~immediately revoke the provisional license.~~

8 ~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this~~
9 ~~section may be waived by the board upon the request of:~~

10 ~~(A) An affected applicant for licensure; or~~

11 ~~(B) The person holding a license subject to revocation.~~

12 ~~(2) Circumstances for which a waiver may be granted shall~~
13 ~~include, but not be limited to, the following:~~

14 ~~(A) The age at which the crime was committed;~~

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

20 ~~(G) Other evidence demonstrating that the applicant does~~
21 ~~not pose a threat to the health or safety of the public.~~

22 ~~(h)(1)(g)(1)~~ Any information received by the board from the
23 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
24 under this section shall not be available for examination except by:

25 (A) The affected applicant for licensure or his or her
26 authorized representative; or

27 (B) The person whose license is subject to revocation or
28 his or her authorized representative.

29 (2) No record, file, or document shall be removed from the
30 custody of the Department of Arkansas State Police.

31 ~~(i)(h)~~ Any information made available to the affected applicant for
32 licensure or the person whose license is subject to revocation shall be
33 information pertaining to that person only.

34 ~~(j)(i)~~ Rights of privilege and confidentiality established in this
35 section shall not extend to any document created for purposes other than this
36 background check.

1 ~~(k)(j)~~ The board shall adopt the necessary rules and regulations to
2 fully implement the provisions of this section.

3 ~~(1)(1)~~ For purposes of this section, an expunged record of a
4 conviction or a plea of guilty or nolo contendere to an offense listed in
5 subsection (c) of this section shall not be considered a conviction, guilty
6 plea, or nolo contendere plea to the offense unless the offense is also
7 listed in subdivision (1)(2) of this section.

8 ~~(2)~~ Because of the serious nature of the offenses and the close
9 relationship to the type of work that is to be performed, the following shall
10 result in permanent disqualification:

- 11 ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- 12 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
- 13 and murder in the second degree as prohibited in § 5-10-103;
- 14 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- 15 ~~(D)~~ Aggravated assault upon a law enforcement officer or
- 16 an employee of a correctional facility, § 5-13-211, if a Class Y felony;
- 17 ~~(E)~~ Rape as prohibited in § 5-14-103;
- 18 ~~(F)~~ Sexual extortion, § 5-14-113;
- 19 ~~(G)~~ Sexual assault in the first degree as prohibited in §
- 20 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
- 21 ~~(H)~~ Incest as prohibited in § 5-26-202;
- 22 ~~(I)~~ Endangering the welfare of an incompetent person in
- 23 the first degree as prohibited in § 5-27-201;
- 24 ~~(J)~~ Endangering the welfare of a minor in the first degree
- 25 as prohibited in § 5-27-205;
- 26 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
- 27 § 5-28-103; and
- 28 ~~(L)~~ Arson as prohibited in § 5-38-301.

29
30 SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary
31 actions for nurses, is amended to read as follows:

32 (1) Has been found guilty of or pleads guilty or nolo contendere
33 to:

34 (A) Fraud or deceit in procuring or attempting to procure
35 a medication assistive person certificate; or

36 (B) Providing services as a medication assistive person

1 without a valid certificate; ~~or~~

2 ~~(C) Committing a crime of moral turpitude;~~

3
4 SECTION 78. Arkansas Code § 17-88-302(2), concerning the
5 qualifications of an applicant for licensure as an occupational therapist, is
6 repealed.

7 ~~(2) The applicant must be of good moral character;~~

8
9 SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial,
10 revocation, or suspension of an occupational therapist license, is amended to
11 read as follows:

12 (4) Being convicted of a ~~crime, other than minor offenses~~
13 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~
14 ~~the acts for which the applicant or licensee was convicted are found by the~~
15 ~~board to have a direct bearing on whether he or she should be entrusted to~~
16 ~~serve the public in the capacity of an occupational therapist or occupational~~
17 ~~therapy assistant~~ felony listed under § 17-2-102; and

18
19 SECTION 80. Arkansas Code § 17-89-302(a), concerning the
20 qualifications of an applicant for licensure as a licensed dispensing
21 optician, is amended to read as follows:

22 (a) Every applicant for examination as a licensed dispensing optician
23 shall present satisfactory evidence to the Arkansas Board of Dispensing
24 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
25 ~~character~~, a high school graduate or the equivalent thereof, and either:

26 (1) Is a graduate of a school of opticianry whose curriculum
27 consists of at least eighteen (18) months of didactic and practical
28 instruction which is accredited by a national accreditation organization and
29 approved by the board; or

30 (2)(A) Has been engaged in the providing of ophthalmic
31 dispensing services, as defined in this chapter, in the State of Arkansas for
32 a period of not less than five (5) years immediately before application.

33 (B) No more than three (3) years may consist of:

34 (i) Working in a qualified service optical
35 laboratory approved by the board; or

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
3 diseases of the eye.

4
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

7 Every applicant for examination as a registered dispensing optician
8 shall present satisfactory evidence to the Arkansas Board of Dispensing
9 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
10 ~~character~~, a high school graduate or the equivalent thereof, and either:

11 (1) Has a minimum of three (3) years' dispensing experience in
12 Arkansas under the direct supervision of an Arkansas-licensed optometrist or
13 Arkansas-licensed physician skilled in disease of the eye;

14 (2) Has a minimum of three (3) years' experience under the
15 direct supervision of a licensed or registered dispensing optician holding a
16 certificate of licensure or registry in the State of Arkansas, one (1) year
17 of which may be while working in a qualified full-service optical laboratory
18 approved by the board; or

19 (3) Is a graduate of an approved school of opticianry which has
20 been accredited by a national accreditation organization and is recognized by
21 the board.

22
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~ (2) Has provided ophthalmic dispensing services to the public
32 as a dispensing optician in the state of licensure or registration for a
33 period of at least five (5) years for licensure or three (3) years for
34 registration immediately before his or her application for reciprocity to
35 this state; and

36 ~~(4)~~ (3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or
2 registry issued by this state.

3
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic
5 dispensers from nonlicensing states seeking licensure as a dispensing
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

8 (1) Be qualified under the provisions of this chapter;

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~ (2) Have been engaged in ophthalmic dispensing as described
11 in § 17-89-102(4) for a period of:

12 (A) Five (5) years for applicants for licensure, of which
13 no more than three (3) years may be while working in a qualified full-service
14 optical laboratory approved by the board; or

15 (B) Three (3) years for applicants for registry, of which
16 no more than one (1) year may be while working in a qualified full-service
17 laboratory approved by the board immediately before the date of application;

18 ~~(4)~~ (3) Successfully complete the written and practical
19 examination for licensure or registry prepared and conducted by the board;
20 and

21 ~~(5)~~ (4) Have paid the fee prescribed in § 17-89-304(f) to the
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of
25 denial, suspension, or revocation of a licensure or registration of an
26 ophthalmic dispensers, is amended to read as follows:

27 (3) The applicant, licensee, or registrant being convicted of a
28 felony listed under § 17-2-102 in any state or federal court, and not
29 ~~pardoned, if the acts for which the person is convicted are found by the~~
30 ~~board to have a direct bearing on whether he or she should be entrusted to~~
31 ~~serve the public in the capacity of a dispensing optician;~~

32
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory
36 evidence that he or she is:

1 (1) ~~Over~~ At least twenty-one (21) years of age;
2 (2) A successful candidate having passed all parts of the
3 National Board of Examiners in Optometry examination since January 1, 1997;
4 and

5 ~~(3) Of good moral character; and~~
6 ~~(4)~~(3) A graduate of a college of optometry that has been
7 accredited by the Accreditation Council on Optometric Education of the
8 American Optometric Association.

9
10 SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by
11 endorsement for optometrists, is amended to read as follows:

12 (3) A certificate of good standing from each authority which
13 issued the license, setting forth the applicant's ~~moral reputation and~~
14 ~~character~~, history with the authority, professional ability, continuing
15 education compliance, and other information or data as the State Board of
16 Optometry may deem necessary or expedient;

17
18 SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds
19 for denial, revocation, or suspension of an optometrist license, is amended
20 to read as follows:

21 (3) Conviction of a felony listed under § 17-2-102 or the
22 conviction of a misdemeanor, if the misdemeanor conduct would denote an
23 impairment in the ability to practice optometry;

24
25 SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing
26 requirements for an osteopathic physician, is amended to read as follows:

27 (a) The Arkansas State Medical Board shall accept for licensure by
28 examination any person who:

29 (1) Is at least twenty-one (21) years of age;
30 (2) Is a citizen of the United States;
31 ~~(3) Is of good moral character;~~
32 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional
33 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et
34 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

35 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose
36 course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and

2 ~~(6)~~(5) Has completed a one-year internship in a hospital
3 approved by the American Medical Association or the American Osteopathic
4 Association.

5
6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

10 ~~(2) Shall be of good moral character and temperate habits; and~~

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional
13 undergraduate degree from a pharmacy degree program which has been approved
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,
16 completed a transcript verification program, taken and passed a college of
17 pharmacy equivalency exam program, and completed a process of communication
18 ability testing as defined under board regulations so that it is assured that
19 the applicant meets standards necessary to protect public health and safety.

20
21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for
22 revocation, suspension, or nonrenewal of licensure or registration, is amended
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo
25 contendere in a criminal proceeding, regardless of whether or not the
26 adjudication of guilt or sentence is withheld by a court of this state,
27 another state, or the United States Government for:

28 (A) Any felony listed under § 17-2-102;

29 (B) Any act involving ~~moral turpitude~~, gross immorality,
30 or which is related to the qualifications, functions, and duties of a
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of
33 this state, or of the pharmacy or drug statutes, rules, and regulations of
34 any other state or of the United States Government;

35
36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a
2 pharmacy technician registration, is amended to read as follows:

3 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~
4 person is not eligible to receive or hold an intern or pharmacist license or
5 pharmacy technician registration issued by the board if that person has
6 pleaded guilty or nolo contendere to, or has been found guilty of, any of the
7 following offenses, regardless of whether an adjudication of guilt or
8 sentencing or imposition of sentence is withheld, by any court in the State
9 of Arkansas or of any similar offense by a court in another state or of any
10 similar offense by a federal court:

11 (1) Any felony listed under § 17-2-102;

12 (2) Any act involving ~~moral turpitude~~, gross immorality,
13 dishonesty, or which is related to the qualifications, functions, and duties
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or
16 regulations, including, but not limited to, this chapter, the Uniform
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
18 Cosmetic Act, § 20-56-201 et seq.

19
20 SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of
21 applicants for licensure as a physical therapist, is amended to read as
22 follows:

23 (b) Each physical therapist applicant shall:

24 (1) Be at least twenty-one (21) years of age;

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31
32 SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of
33 applicants for licensure as a physical therapist assistant, is amended to
34 read as follows:

35 (b) Each physical therapist assistant applicant shall:

36 (1) Be at least eighteen (18) years of age;

~~(2) Be of good moral character;~~

~~(3)~~(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

~~(4)~~(3) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

~~(5)~~(4) Submit fees as determined by the Arkansas State Board of Physical Therapy.

SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the revocation, suspension, or denial of licensure for physical therapists, is repealed.

~~(4) Has been convicted of a crime involving moral turpitude;~~

SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the revocation, suspension, or denial of a license for an athletic trainer, is amended to read as follows:

(1) Been convicted of a felony ~~or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-102;

SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's duty to report physician misconduct, is amended to read as follows:

(2) The hospital shall also report any other formal disciplinary action concerning any such physician taken by the hospital upon recommendation of the medical staff relating to professional ethics, medical incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:
17-95-307. License eligibility.

~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~
3 ~~expunged, or pardoned.~~

4
5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of
8 acts constituting unprofessional conduct as defined in § 17-95-409;

9
10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall
13 consider the ~~moral character and~~ professional qualifications of the applicant
14 upon notice and hearing before ordering reinstatement. Unless such a showing
15 shall thereupon be made to the board as would entitle the applicant to the
16 issuance of an original license, reinstatement shall be denied.

17
18 SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the
19 grounds for denial, suspension, or revocation of a physician license, is
20 amended to read as follows:

21 (A)(i) Conviction of ~~any crime involving moral turpitude~~
22 ~~or conviction of~~ a felony listed under § 17-2-102.

23 (ii) The judgment of any such conviction, unless
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

25
26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning
27 qualifications of an applicant for licensure as a graduate registered
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~

30
31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:
32 17-95-910. Violation.

33 Following the exercise of due process, the Arkansas State Medical Board
34 may discipline a graduate registered physician who:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a
36 license;

- 1 (2) Fraudulently or deceptively uses a license;
2 (3) Violates any provision of this subchapter or any rules
3 adopted by the board pertaining to this chapter;
4 (4) Is convicted of a felony listed under § 17-2-102;
5 (5) Is a habitual user of intoxicants or drugs to the extent
6 that he or she is unable to safely perform as a graduate registered
7 physician; or
8 (6) Has been adjudicated as mentally incompetent or has a mental
9 condition that renders him or her unable to safely perform as a graduate
10 registered physician; ~~or~~
11 ~~(7) Has committed an act of moral turpitude.~~
12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications
14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any
16 examination for such registration unless that person shall furnish the
17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and
19 ~~(2) Is of good moral character; and~~
20 ~~(3)~~ (2) Has received a license or certificate of graduation from
21 a legally incorporated, regularly established school of podiatric medicine
22 recognized by the Council on Podiatric Medical Education of the American
23 Podiatric Medical Association within the states, territories, districts, and
24 provinces of the United States or within any foreign country.
25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the
27 definition of "unprofessional and dishonest conduct" regarding podiatric
28 medicine licensure, is repealed.

29 ~~(C) Being guilty of an offense involving moral turpitude;~~
30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the
32 membership of the Arkansas Psychology Board, is amended to read as follows:

33 (B) The Governor shall remove any member from the board if
34 he or she:

- 35 (i) Ceases to be qualified;
36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

2 (iii) Is found to be in violation of this chapter;

3 (iv) Pleads guilty or nolo contendere to or is found
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under
5 § 17-2-102 by a court of competent jurisdiction; or

6 (v) Pleads guilty or nolo contendere to or is found
7 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
8 board duties by a court of competent jurisdiction.

9
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning
11 qualifications of an applicant for licensure as a psychologist, is amended to
12 read as follows:

13 (b)(1) A candidate for a license shall furnish the board with
14 satisfactory evidence that he or she:

15 ~~(A) Is of good moral character;~~

16 ~~(B)~~(A) Has received a doctoral degree in psychology from
17 an accredited institution recognized by the board as maintaining satisfactory
18 standards at the time the degree was granted or, in lieu of a degree, a
19 doctoral degree in a closely allied field if it is the opinion of the board
20 that the training required therefor is substantially similar;

21 ~~(C)~~(B) Has had at least two (2) years of experience in
22 psychology of a type considered by the board to be qualifying in nature with
23 at least one (1) of those years being postdoctoral work;

24 ~~(D)~~(C) Is competent in psychology, as shown by passing
25 examinations, written or oral, or both, as the board deems necessary;

26 ~~(E)~~(D) Is not considered by the board to be engaged in
27 unethical practice;

28 ~~(F)~~(E) Has applied for a criminal background check and has
29 not been found guilty of or pleaded guilty or nolo contendere to any of the
30 offenses listed in § 17-97-312(f); and

31 ~~(G)~~(F) Has not failed an examination given by the board
32 within the preceding six (6) months.

33
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning
35 qualifications of an applicant for licensure as a psychological examiner, is
36 amended to read as follows:

1 (b)(1) A candidate for a license shall furnish the board with
2 satisfactory evidence that he or she:

3 ~~(A) Is of good moral character;~~

4 ~~(B)(A)~~ Has a master's degree in psychology or a closely
5 related field from an accredited educational institution recognized by the
6 board as maintaining satisfactory standards;

7 ~~(C)(B)~~ Is competent as a psychological examiner as shown
8 by passing examinations, written or oral, or both, as the board deems
9 necessary;

10 ~~(D)(C)~~ Is not considered by the board to be engaged in
11 unethical practice;

12 ~~(E)(D)~~ Has applied for a criminal background check and has
13 not been found guilty of or pleaded guilty or nolo contendere to any of the
14 offenses listed in § 17-97-312(f); and

15 ~~(F)(E)~~ Has not failed an examination given by the board
16 within the preceding six (6) months.

17
18 SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the
19 qualifications for examination for a provisional license as a psychologist,
20 is repealed.

21 ~~(C) Has good moral character;~~

22
23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the
24 qualifications for a provisional license for psychologists and psychological
25 examiners, is amended to read as follows:

26 (F) Has not been convicted of ~~a crime involving moral turpitude~~
27 ~~or~~ a felony listed under § 17-2-102;

28
29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual
30 registration for licensure as a psychologist, is amended to read as follows:

31 (2) If application for reinstatement is made, the board shall
32 consider the ~~moral character and~~ professional qualifications of the applicant
33 as in the case of an original application.

34
35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

2 (d) Upon completion of the criminal background check, the
3 Identification Bureau of the Department of Arkansas State Police shall
4 forward to the board all releasable information obtained concerning the
5 applicant ~~in the commission of any offense listed in subsection (f) of this~~
6 ~~section.~~

7 (e) At the conclusion of any background check required by this
8 section, the Identification Bureau of the Department of Arkansas State Police
9 shall promptly destroy the fingerprint card of the applicant.

10 (f) For purposes of this section, the board shall follow the licensing
11 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
12 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~
13 ~~or hold a license issued by the board if that person has pleaded guilty or~~
14 ~~nolo contendere to or been found guilty of any of the following offenses by~~
15 ~~any court in the State of Arkansas or of any similar offense by a court in~~
16 ~~another state or of any similar offense by a federal court:~~

17 (1) ~~Capital murder as prohibited in § 5-10-101;~~

18 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~
19 ~~murder in the second degree as prohibited in § 5-10-103;~~

20 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

21 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

22 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
26 ~~106;~~

27 (8) ~~Robbery as prohibited in § 5-12-102;~~

28 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

29 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

30 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

31 (12) ~~Introduction of a controlled substance into the body of~~
32 ~~another person as prohibited in § 5-13-210;~~

33 (13) ~~Aggravated assault upon a law enforcement officer or an~~
34 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

35 (14) ~~Terroristic threatening in the first degree as prohibited~~
36 ~~in § 5-13-301;~~

1 ~~(15) Rape as prohibited in § 5-14-103;~~
2 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
3 ~~(17) Sexual extortion, § 5-14-113;~~
4 ~~(18) Sexual assault in the first degree, second degree, third~~
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
6 ~~(19) Incest as prohibited in § 5-26-202;~~
7 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
8 ~~5-26-306;~~
9 ~~(21) Endangering the welfare of an incompetent person in the~~
10 ~~first degree as prohibited in § 5-27-201;~~
11 ~~(22) Endangering the welfare of a minor in the first degree as~~
12 ~~prohibited in § 5-27-205;~~
13 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
14 ~~(24) Engaging children in sexually explicit conduct for use in~~
15 ~~visual or print media, transportation of minors for prohibited sexual~~
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
19 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
20 ~~5-27-403;~~
21 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
22 ~~(26) Computer exploitation of a child in the first degree as~~
23 ~~prohibited in § 5-27-605;~~
24 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
25 ~~(28) Theft of property as prohibited in § 5-36-103;~~
26 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
27 ~~(30) Arson as prohibited in § 5-38-301;~~
28 ~~(31) Burglary as prohibited in § 5-39-201;~~
29 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
31 ~~5-64-442;~~
32 ~~(33) Promotion of prostitution in the first degree as prohibited~~
33 ~~in § 5-70-104;~~
34 ~~(34) Stalking as prohibited in § 5-71-229; and~~
35 ~~(35) Criminal attempt, criminal complicity, criminal~~
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.~~

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(i)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this

1 section shall not extend to any document created for purposes other than this
2 background check.

3 ~~(1)(k)~~ The board shall adopt the necessary rules and regulations to
4 fully implement the provisions of this section.

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a
6 conviction or plea of guilty of or nolo contendere to an offense listed in
7 subsection (f) of this section shall not be considered a conviction, guilty
8 plea, or nolo contendere plea to the offense unless the offense is also
9 listed in subdivision (m)(2) of this section.

10 ~~(2)~~ Because of the serious nature of the offenses and the close
11 relationship to the type of work that is to be performed, the following shall
12 result in permanent disqualification:

13 ~~(A)~~ Capital murder as prohibited in § 5-10-101;

14 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
15 and murder in the second degree as prohibited in § 5-10-103;

16 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;

17 ~~(D)~~ Aggravated assault upon a law enforcement officer or
18 an employee of a correctional facility, § 5-13-211, if a Class Y felony;

19 ~~(E)~~ Rape as prohibited in § 5-14-103;

20 ~~(F)~~ Sexual extortion, § 5-14-113;

21 ~~(G)~~ Sexual assault in the first degree as prohibited in §
22 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

23 ~~(H)~~ Incest as prohibited in § 5-26-202;

24 ~~(I)~~ Endangering the welfare of an incompetent person in
25 the first degree as prohibited in § 5-27-201;

26 ~~(J)~~ Endangering the welfare of a minor in the first degree
27 as prohibited in § 5-27-205 and endangering the welfare of a minor in the
28 second degree as prohibited in § 5-27-206;

29 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
30 § 5-28-103; and

31 ~~(L)~~ Arson as prohibited in § 5-38-301.

32
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to
34 examination for licensure as a disease intervention specialist, is amended to
35 read as follows:

36 (a) The State Board of Disease Intervention Specialists shall admit to

1 examination any person who makes application to the Secretary of the State
2 Board of Disease Intervention Specialists on forms prescribed and furnished
3 by the board, pays an application fee set by the board to defray the expense
4 of examination, and submits satisfactory proof to the board that he or she:

- 5 ~~(1) Is a person of good moral character;~~
6 ~~(2)~~(1) Meets the minimum educational requirements;
7 ~~(3)~~(2) Meets the minimum specialized training requirements, as
8 determined by the board;
9 ~~(4)~~(3) Has had two (2) years of field experience in human
10 immunodeficiency virus/sexually transmitted disease intervention; and
11 ~~(5)~~(4) Is actively engaged in the field of human
12 immunodeficiency virus/sexually transmitted disease intervention at the time
13 he or she makes application.
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:
16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a
18 certificate of registration without examination to any person who makes
19 application on forms prescribed and furnished by the board, pays a
20 registration fee set by the board, and submits satisfactory proof that he or
21 she:

- 22 ~~(1) Is of good moral character;~~
23 ~~(2)~~(1) Has had at least two (2) years' experience in the field
24 of human immunodeficiency virus/sexually transmitted disease intervention;
25 and
26 ~~(3)~~(2) Is registered as a disease intervention specialist in a
27 state in which the qualifications for registration are not lower than the
28 qualifications for registration in this state at the time he or she applies
29 for registration.
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose
35 certificate has expired or has been suspended or revoked may make application
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has
2 complied with the continuing education requirements.

3 (b) The board shall consider the ~~moral character and~~ professional
4 qualifications of the applicant as in the case of an original application.

5
6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew
8 or may suspend or revoke a certificate upon proof that the applicant+

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
11 incompetency, or misconduct relative to his or her duties as a disease
12 intervention specialist.

13
14 SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications
15 of an applicant for licensure as a respiratory care practitioner, is amended
16 to read as follows:

17 (b) Each applicant ~~must~~ shall:

18 (1) Be at least eighteen (18) years of age;

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~ (2) Have been awarded a high school diploma or its
21 equivalent;

22 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory
23 care program which has been approved by the Arkansas State Respiratory Care
24 Examining Committee, to include adequate instruction in basic medical
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State
27 Medical Board and the committee, unless exempted by other provisions of this
28 chapter.

29
30 SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for
31 denial, suspension, or revocation of a respiratory care practitioner license,
32 is repealed.

33 ~~(3) Has been convicted of any crime involving moral turpitude;~~

34
35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

2 (b) To be eligible for licensure by the board as a speech-language
3 pathologist or audiologist, a person shall:

4 ~~(1) Be of good moral character;~~

5 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
6 language pathology or a master's degree in audiology obtained on or before
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
8 an educational institution recognized by the board;

9 ~~(3)~~(2) Submit evidence of the completion of the educational,
10 clinical experience, and employment requirements, which shall be based on
11 appropriate national standards and prescribed by the rules adopted under this
12 chapter; and

13 ~~(4)~~(3) Pass an examination approved by the board before the
14 board approves a license.

15
16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications
17 of an applicant for provisional licensure as a speech-language pathologist or
18 audiologist, is amended to read as follows:

19 (d) To be eligible for provisional licensure by the board as a speech-
20 language pathologist or audiologist, a person shall:

21 ~~(1) Be of good moral character;~~

22 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
23 language pathology or audiology, as the case may be, from an educational
24 institution recognized by the board;

25 ~~(3)~~(2) Be in the process of completing the postgraduate
26 professional experience requirement; and

27 ~~(4)~~(3) Pass an examination approved by the board.

28
29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds
30 for denial, suspension, or revocation of a license, or other disciplinary
31 action for speech-language pathologists and audiologists, is amended to read
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 in
34 ~~any court of the United States if the acts for which the licensee or~~
35 ~~applicant is convicted are found by the board to have a direct bearing on~~
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~

1 ~~a speech language pathologist or audiologist.~~

2 ~~(B) A plea or verdict of guilty made to a charge of a~~
3 ~~felony or of any offense involving moral turpitude is a conviction within the~~
4 ~~meaning of this section.~~

5 ~~(C)~~(B) At the direction of the board, and after due notice
6 and an administrative hearing in accordance with the provisions of applicable
7 Arkansas laws, the license of the person so convicted shall be suspended or
8 revoked or the board shall decline to issue a license when:

9 (i) The time for appeal has elapsed;

10 (ii) The judgment of conviction has been affirmed on
11 appeal; or

12 (iii) An order granting probation has been made
13 suspending the imposition of sentence, without regard to a subsequent order
14 under the provisions of state law allowing the withdrawal of a guilty plea
15 and the substitution of a not guilty plea, or the setting aside of a guilty
16 verdict, or the dismissal of the acquisition, information, or indictment;

17
18 SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the
19 grounds for denial, suspension, or revocation of a veterinarian license, is
20 amended to read as follows:

21 (4)(A) Conviction of a felony ~~or other crime involving moral~~
22 ~~turpitude~~ listed under § 17-2-102.

23
24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning
25 qualifications of an applicant for provisional licensure as an acupuncturist,
26 is amended to read as follows:

27 (3) Before any applicant shall be eligible for an examination,
28 the applicant shall furnish satisfactory proof to the board that he or she:

29 ~~(A) Is of good moral character by filing with his or her~~
30 ~~application the affidavits of at least two (2) reputable acupuncturists who~~
31 ~~attest to his or her character;~~

32 ~~(B)~~(A) Has successfully completed not fewer than sixty
33 (60) semester credit hours of college education, to include a minimum of
34 thirty (30) semester credit hours in the field of science; and

35 ~~(C)~~(B) Has completed a program in acupuncture and related
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in
2 the program shall be for a period of no fewer than four (4) academic years
3 and shall include a minimum of eight hundred (800) hours of supervised
4 clinical practice.

5
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning
7 qualifications of an applicant for provisional licensure as an acupuncturist,
8 is amended to read as follows:

9 (4) Not have been convicted of a felony listed under § 17-2-102;
10 and

11
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for
13 renewal, revocation, or suspension of a social worker license, is amended to
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a
16 person who has been found guilty of a felony, ~~any crime involving moral~~
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
19 unless the person requests and the board grants a waiver under § 17-103-
20 307(f).

21
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning
23 qualifications of an applicant for licensure as a licensed social worker, is
24 repealed.

25 ~~(D) Has good moral character;~~

26
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning
28 qualifications for a Licensed Social Worker license, is amended to read as
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
33 breach of client trust, or abuse of the vulnerable;

34
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been
3 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
4 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
5 breach of client trust, or abuse of the vulnerable;

6
7 SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the
8 qualifications for a Licensed Certified Social Worker license, is amended to
9 read as follows:

10 (H) Has not pleaded guilty or nolo contendere to or been found
11 guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-
12 102 or criminal offense involving violence, dishonesty, fraud, deceit, breach
13 of client trust, or abuse of the vulnerable;

14
15 SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal
16 background check requirements for social workers, are amended to read as
17 follows:

18 (d) Upon completion of the criminal background check, the
19 Identification Bureau of the Department of Arkansas State Police shall
20 forward to the board all releasable information obtained concerning the
21 applicant ~~in the commission of any offense listed in subsection (e) of this~~
22 ~~section.~~

23 (e) For purposes of this section, the board shall follow the licensing
24 restrictions based on criminal records under § 17-2-102. Except as provided
25 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~
26 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~
27 ~~contendere to or been found guilty of a felony, any crime involving moral~~
28 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~
29 ~~breach of client trust, or abuse of the vulnerable, including without~~
30 ~~limitation:~~

- 31 ~~(1) Capital murder as prohibited in § 5-10-101;~~
32 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
33 ~~murder in the second degree as prohibited in § 5-10-103;~~
34 ~~(3) Manslaughter as prohibited in § 5-10-104;~~
35 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
36 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

- 1 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
2 ~~11-103;~~
- 3 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
4 ~~106;~~
- 5 ~~(8) Robbery as prohibited in § 5-12-102;~~
- 6 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- 7 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- 8 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- 9 ~~(12) Introduction of a controlled substance into the body of~~
10 ~~another person as prohibited in § 5-13-210;~~
- 11 ~~(13) Aggravated assault upon a law enforcement officer or an~~
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 13 ~~(14) Terroristic threatening in the first degree as prohibited~~
14 ~~in § 5-13-301;~~
- 15 ~~(15) Rape as prohibited in § 5-14-103;~~
- 16 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- 17 ~~(17) Sexual extortion, § 5-14-113;~~
- 18 ~~(18) Sexual assault in the first degree, second degree, third~~
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- 20 ~~(19) Incest as prohibited in § 5-26-202;~~
- 21 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
22 ~~5-26-306;~~
- 23 ~~(21) Endangering the welfare of an incompetent person in the~~
24 ~~first degree as prohibited in § 5-27-201;~~
- 25 ~~(22) Endangering the welfare of a minor in the first degree as~~
26 ~~prohibited in § 5-27-205;~~
- 27 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~
- 28 ~~(24) Engaging children in sexually explicit conduct for use in~~
29 ~~visual or print media, transportation of minors for prohibited sexual~~
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
34 ~~5-27-403;~~
- 35 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
- 36 ~~(26) Computer exploitation of a child in the first degree as~~

1 ~~prohibited in § 5-27-605;~~

2 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

3 ~~(28) Theft of property as prohibited in § 5-36-103;~~

4 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

5 ~~(30) Arson as prohibited in § 5-38-301;~~

6 ~~(31) Burglary as prohibited in § 5-39-201;~~

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
9 ~~5-64-442;~~

10 ~~(33) Promotion of prostitution in the first degree as prohibited~~
11 ~~in § 5-70-104;~~

12 ~~(34) Stalking as prohibited in § 5-71-229; and~~

13 ~~(35) Criminal attempt, criminal complicity, criminal~~
14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~
17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

19 ~~(B) The person holding a license subject to revocation.~~

20 ~~(2) Circumstances for which a waiver may be granted include, but~~
21 ~~are not limited to, the following:~~

22 ~~(A) The applicant's age at the time the crime was~~
23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

29 ~~(G) Other evidence demonstrating that the applicant does~~
30 ~~not pose a threat to the health or safety of children or endangered adults.~~

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification
32 Bureau of the Department of Arkansas State Police under this section shall
33 not be available for examination except by the affected applicant for
34 licensure or his or her authorized representative or the person whose license
35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

2 ~~(h)~~(g) Information made available to the affected applicant for
3 licensure or the person whose license is subject to revocation shall be
4 information pertaining to that person only.

5 ~~(i)~~(h) Rights of privilege and confidentiality established in this
6 section do not extend to any document created for purposes other than the
7 criminal background check.

8 ~~(j)~~(i) The board shall adopt the necessary rules to fully implement
9 the provisions of this section.

10 ~~(k)(1) As used in this section, an expunged record of a conviction or~~
11 ~~plea of guilty or nolo contendere to an offense listed in subsection (c) of~~
12 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~
13 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~
14 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~
15 ~~subdivision (k)(2) of this section.~~

16 ~~(2) Because of the serious nature of the offenses and the close~~
17 ~~relationship to the type of work that is to be performed, a conviction,~~
18 ~~guilty plea, or nolo contendere plea to any of the following offenses shall~~
19 ~~result in permanent disqualification for licensure:~~

- 20 ~~(A) Capital murder as prohibited in § 5-10-101;~~
21 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
22 ~~and murder in the second degree as prohibited in § 5-10-103;~~
23 ~~(C) Kidnapping as prohibited in § 5-11-102;~~
24 ~~(D) Aggravated assault upon a law enforcement officer or~~
25 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
26 ~~(E) Rape as prohibited in § 5-14-103;~~
27 ~~(F) Sexual extortion, § 5-14-113;~~
28 ~~(G) Sexual assault in the first degree as prohibited in §~~
29 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
30 ~~(H) Endangering the welfare of an incompetent person in~~
31 ~~the first degree as prohibited in § 5-27-201;~~
32 ~~(I) Endangering the welfare of a minor in the first degree~~
33 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
34 ~~second degree as prohibited in § 5-27-206;~~
35 ~~(J) Engaging children in sexually explicit conduct for use~~
36 ~~in visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, or pandering or possessing a visual or print medium depicting~~
2 ~~sexually explicit conduct involving a child, or use of a child or consent to~~
3 ~~use of a child in a sexual performance by producing, directing, or promoting~~
4 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~
5 ~~27-402, and 5-27-403;~~

6 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
7 ~~§ 5-28-103; and~~

8 ~~(L) Arson as prohibited in § 5-38-301.~~

9
10 SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations
11 of the Perfusionist Licensure Act, is amended to read as follows:

12 (F) A plea of guilty, nolo contendere, or a finding of
13 guilt of a felony listed under § 17-2-102 or any offense substantially
14 related to the qualifications, functions, or duties of a perfusionist, in
15 which event the record shall be conclusive evidence; or

16
17 SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning
18 qualifications of an applicant for licensure as a physician assistant, is
19 repealed.

20 ~~(6) Is of good moral character;~~

21
22 SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:
23 17-105-113. Violation.

24 Following the exercise of due process, the Arkansas State Medical Board
25 may discipline any physician assistant who:

26 (1) Fraudulently or deceptively obtains or attempts to obtain a
27 license;

28 (2) Fraudulently or deceptively uses a license;

29 (3) Violates any provision of this chapter or any regulations
30 adopted by the board pertaining to this chapter;

31 (4) Is convicted of a felony listed under § 17-2-102;

32 (5) Is a habitual user of intoxicants or drugs to such an extent
33 that he or she is unable to safely perform as a physician assistant;

34 (6) Has been adjudicated as mentally incompetent or has a mental
35 condition that renders him or her unable to safely perform as a physician
36 assistant; or

1 ~~(7) Has committed an act of moral turpitude; or~~

2 ~~(8)~~(7) Represents himself or herself as a physician.

3
4 SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the
5 licensing requirements for healthcare professionals who use radioactive
6 materials or medical equipment emitting or detecting ionizing radiation on
7 human beings for diagnostic or therapeutic purposes, is amended to read as
8 follows:

9 (2) Submit satisfactory evidence verified by oath or affirmation
10 that the applicant:

11 (A) Is qualified to administer radioactive materials or
12 operate medical equipment emitting or detecting ionizing radiation upon human
13 beings;

14 ~~(B) Is of good moral character;~~

15 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
16 of application; and

17 ~~(D)~~(C) Has been awarded a high school diploma or has
18 passed the General Educational Development Test or the equivalent.

19
20 SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline
21 for healthcare professionals who use radioactive materials or medical
22 equipment emitting or detecting ionizing radiation on human beings for
23 diagnostic or therapeutic purposes, is amended to read as follows:

24 (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~
25 ~~court of competent jurisdiction either within or outside of this state unless~~
26 ~~the conviction has been reversed and the holder of the license has been~~
27 ~~discharged or acquitted or if the holder has been pardoned with full~~
28 ~~restoration of civil rights, in which case the license shall be restored;~~

29
30 SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary
31 action for orthotists, prosthetists, and pedorthists, is amended to read as
32 follows:

33 (1) Has pleaded guilty or nolo contendere to or has been found
34 guilty of a felony listed under § 17-2-102;

/s/J. Cooper

APPROVED: 4/15/19

State of Arkansas

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

92nd General Assembly

A Bill

Regular Session, 2019

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~~



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

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

6 (1) Demonstrates that he or she:

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

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

13 (C) Did not have his or her license, registration, permit,
14 or certification revoked for:

15 (i) An act of bad faith; or

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

17 (D) Is not holding a suspended or probationary license,
18 registration, permit, or certification in any state; and

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

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

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

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

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

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

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

36 ~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 registration, permit, or certification if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, registration, permit, or certification, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

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

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

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

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

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

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

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

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

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

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

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

14 (1) Demonstrates that he or she:

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

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

20 (C) Has not had his or her occupational licensure revoked
21 for:

22 (i) An act of bad faith; or

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

24 (D) Is not holding a suspended or probationary
25 occupational licensure in any state, territory, or district of the United
26 States; and

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

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

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

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

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

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

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

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

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

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

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

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

1 (1) Reciprocity or license by endorsement provisions under §§
2 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
3 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
4 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

5 (2) The occupational licensing entities that administer the
6 reciprocity provisions under subdivision ~~(g)(1)~~(h)(1) of this section.

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

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15 /s/Dotson
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18 **APPROVED: 4/15/19**
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