

Final Report to the Arkansas Legislative Council

Occupational Licensing Review Subcommittee

November 18, 2022

I. Background

Act 600 of the 2019 Regular Session, the Red Tape Reduction Sunrise and Sunset Act of 2019, tasked the Legislative Council with conducting an annual rotating review of all occupational authorizations in the state with the purpose of determining and implementing the least restrictive form of occupational authorization to protect consumers from significant and substantiated harms to public health and safety. The Legislative Council (ALC) created the Occupational Licensing Review Subcommittee to carry out this requirement for review.

The rules of the ALC Occupational Licensing Review Subcommittee (the “Subcommittee”) required that the Subcommittee shall submit to ALC its recommendations during the December meeting of each even-numbered year. The recommendations may include the following: repeal of an occupational authorization, conversion of an occupational authorization to a less restrictive occupational authorization, promulgation of revised rules reflecting the use of less restrictive occupational authorization, modification of qualifications for an occupational authorization, modification or redefinition of the scope of practice of an occupation or profession, or any other relevant legislative reforms deemed necessary. Upon adoption of any of the recommendations of the Subcommittee by ALC, the recommendations shall be submitted to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

II. Work of the Subcommittee in 2021 & 2022

Beginning in July of 2021, the Subcommittee determined the schedule for review of entities and process for discussions of final recommendations. In addition, the Subcommittee adopted their rules and assigned entities to a hearing date, thereby establishing the deadline for each entity to submit their respective reports for review by the Subcommittee.

The Subcommittee began hearing occupational authorization entity reports assigned to Group 2 in September of 2021. Group 2 included 15 entities and the Subcommittee reviewed 62 licenses (*See Appendix A*). At the following meeting, the Subcommittee discussed possible recommendations, if any, from the reports heard previously as well as the reports assigned to that meeting. This pattern was followed until the Subcommittee heard all reports and discussed all recommendations made. In November of 2022, the Subcommittee reviewed and prepared to submit a report in December of 2022 to ALC, the Speaker of the House of Representatives, and the Pro Tempore of the Senate.

III. Recommendations by the Subcommittee

The Subcommittee did not develop any recommendations for the entities in Group 2 that were reviewed during 2021 and 2022.

IV. Conclusion

It is the intention of the Subcommittee to strive to fulfill its mandate under Act 600 of 2019 to determine and implement the least restrictive form of occupational authorizations to protect consumers from significant and substantiated harms to public health and safety.

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GROUP 2		
Entity	# of Licenses	Licenses Authorized
Abstractor's Board, Arkansas	1	Title Abstractor
Athletic Training, Arkansas State Board of	1	Athletic Trainer
Contractors Licensing Board, State of Arkansas	4	Commercial Contractor, Residential Building Contractor, Residential Home Improvement Specialty Contractor, Residential Remodeler Contractor
Embalmers and Funeral Directors, Arkansas State Board of	3	Professional Embalmers, Professional Funeral Director, Crematory Retort Operator
Environmental Quality, Arkansas Department of; Water Division	1	Wastewater Treatment Plant Operator
Health, Arkansas Department of; Cosmetology Section	5	Cosmetologist, Cosmetology Instructor, Electrologist, Esthetician, Manicurist
Health, Arkansas Department of; Massage Therapy Services	3	Massage Therapist, Master Massage Therapist, Massage Therapy Instructor
Labor, Arkansas Department of; Elevator Safety Division	5	Accessibility Technician, Elevator Contractor, Elevator Inspector, Elevator Mechanic, Temporary Mechanic
Medical Board, Arkansas State	8	Occupational Therapist (OT), Occupational Therapist Assistant (OTA), Physician (MD/DO), Physician Assistant (PA), Radiologist Assistant/Radiology Practitioner Assistant, Respiratory Therapist, Surgical Technician (registration), Genetic Counselor
Natural Resources Division, Department of Agriculture	11	Nutrient Management Planner, Nutrient Management Applicator (Private), Nutrient Management Applicator (Commercial), Accredited Floodplain Managers, Water Well Contractor (well drilling and pump installation), Water Well Contractor (well drilling only), Water Well Contractor (pump installation only), Water Well Driller Certificate of Registration, Pump Installer Certificate of Registration, Water Well Driller Apprentice, Pump Installer Apprentice
Plant Board, Arkansas State; Seed Division	5	Seed Dealer/Labeler, Seed Treatment Plant License, Plant Breeder License, Industrial Hemp Grower, Industrial Hemp Processor
Psychology Board, Arkansas	3	Psychological Examiner, Psychologist, Neuropsychological Technician (registration)
Real Estate Commission, Arkansas	5	Real Estate Broker, Real Estate Salesperson, Real Estate Principal Instructor, Real Estate Associate Instructor, Real Estate Association Administrator
Securities Department, Arkansas	4	Investment Adviser Representative, Broker-Dealer Agent, Agent of Issuer, Mortgage Loan Officer
Veterinary Medical Examining Board, State of Arkansas	3	Veterinarian, Veterinary Technician/Technologist, Embryo Transfer Technician
Total Entities Group 2: 15	62	