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IX. LICENSING UNDER SPECIAL CONDITIONS

Section 9.1 LICENSURE BY ENDORSEMENT

Applicants from other states or Arkansas agencies must apply and complete the formal application process prior to license issue. The following rules apply to the process:

- (a) An applicant who has been licensed as a counselor or mental health professional in other state/states must submit a License Verification Form (LVF) from each state or agency.
- (b) Applicants who have continually maintained full licensure status as an LPC, LMFT or the equivalency for a minimum of three years (36 months) may be eligible for licensure endorsement by the Board. In addition to providing the application documentation described in Section 5 and 6 (i.e. Statement of Intent, Transcript, References, and examination scores), the applicant must provide verification that the license issued by another board is currently in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board.
- (c) Applicants who have continually maintained full licensure status as an LPC, LMFT or the equivalency for less than three years (36 months) may be eligible for licensure endorsement by the Board. A temporary license may be granted while an applicant completes the minimal educational requirements. In addition to meeting applicable requirements in Section 5 and 6, the applicant must provide verification that the license issued by another board is currently in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board. The applicant will need to document the total number of client contact hours (CCH) under supervision and the total number of supervision hours maintained. The Board will review the documented hours to determine the number of CCH and supervision hours required to meet licensure at the associate or full licensure status.
- (d) Applicants who have an associate, provisional, or an intern license from another state may be eligible for licensure by endorsement by the Board. A temporary license may be granted while completing the minimal educational requirements. In addition to meeting applicable requirements in Sections 5 and 6, the applicant must provide verification that the license issued by another Board is in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board. The applicant will need to document the total number of Client Contact Hours (CCH) under supervision and the total number of supervision hours maintained. The Board will review the documented hours to determine the number of CCH and supervision hours required to meet licensure at the associate or full licensure status.
- (e) Waiver of the NCE, NCMHCE, or the AMFTRB may be granted when the Board has determined that another examination is equivalent, or applicant meets licensure by endorsement rules.

Section 9.2 CONSULTING

- (a) Non-resident persons who are licensed by Counseling or Marriage and Family Therapy regulatory boards in other states or countries may provide consulting or research services within Arkansas for not more than thirty (30) days (discontinuous or continuous) per calendar year.
- (b) Consultant is defined as a licensed LPC/LMFT who has practiced as a professional for a minimum of three (3) years in another state and contracts with an Arkansas agency or institution for research, workshops, training, or for providing advice and guidance on professional issues.
- (c) Consultant activities and services must be short-term and contractual and must be sponsored and supervised by a licensed Arkansas LPC or LMFT. The Board must be notified in writing and approval obtained prior to any services being rendered.
- (d) Prospective employees, moving to Arkansas from another state, who are applying for an Arkansas license are not to be considered consultants and are not exempt from licensure.
- (e) Licensed Counselors or Marriage and Family Therapists who consult with other licensed professionals and/or develop relationships with Colleagues, employers and employees must follow the ACA and/or the AAMFT Code of Ethics sections related to professional relationships and consultation.

Section 9.3 OTHER PROFESSIONALS AND AGENCIES

- (a) Neither the National Counselor Examination nor the Association of Marital and Family Therapy Regulatory Board Examination will be waived for licensed Psychologists who apply for a license from the Board.
- (b) Licensed Psychological Examiners (LPEs) who apply for a LAC and/or LAMFT must minimally complete 1000 CCH of direct client contact as outlined in Section 4.1. The maximum of two thousand (2000) CCH of supervised professional experience may be submitted for approval by the Board if the applicant documents supervised experience consistent with his/her Statement of Intent by submitting:
 - 1. Documentation from the Arkansas Board of Examiners in Psychology (ABEP); and
 - 2. Statement from the ABEP or LPE supervisor verifying the ratio of supervision to CCH and that the scope of the practice supervised was not related to assessment, appraisal, or testing as part of their practice.

Section 9.4 LICENSURE FOR UNIFORMED SERVICE MEMBERS, VETERANS, AND THEIR SPOUSES

(a) As used in this subsection:

1. “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
2. “uniformed service veteran” means former member of the United States Uniformed Services discharged under circumstances other than dishonorable.
3. “uniformed service member” means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(b) The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:

1. A uniformed service member stationed in the State of Arkansas;
2. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
3. The spouse of:
 - i. A person under Section 9.4(b) 1 or 2;
 - ii. A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; or
 - iii. A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(c) The Board shall grant automatic licensure upon receipt of all of the following:

1. Payment of the initial application and licensure fee;

2. Evidence that the individual holds a license with a similar scope of practice in another state; and
 3. Evidence that the applicant is a qualified applicant under Section 9.4(b).
- (d) The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.
- (e) A full exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.
- (f) The board shall accept relevant and applicable uniformed service education, training, national certification, or service-issued credential toward licensure qualifications or requirements when considering an application for initial licensure of an individual listed in Ark. Code Ann. § 17-4-104.

Section 9.5 AUTOMATIC OCCUPATIONAL LICENSURE UNDER ACT 457 OF 2023

(a). An applicant shall be eligible for automatic occupational licensure if:

1. The applicant is a resident of the State of Arkansas and is either:

- (i) in good standing for at least one (1) year for a license with similar scope of practice issued by another state, territory, or district of the United States; or,
- (ii) has worked for at least three (3) years in the occupation in another state, territory, or district of the United States that does not use a licensure to regulate the occupation for which the applicant is applying;

2. The applicant does not have a disqualifying criminal offense under Ark. Code Ann. §17-3-102 or under any additional state law relating to the licensure;

3. The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the licensure was granted;

4. The applicant pass an examination specific to relevant state laws that regulate the occupation.

5. The board may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the occupation if the board finds that:

- (i). The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and,
- (ii). A waiver will not harm public health, safety, or welfare.

6. The Board shall grant automatic licensure upon receipt of all of the following:

- (i). Payment of the initial application and licensure fee;

- (ii). Evidence that the individual is a resident of the State of Arkansas;
- (iii). Evidence that the applicant is a qualified applicant under Section 9.5(a)(1-3) above;
- (iv). Successful passage of the Board's jurisprudence exam.

67. Upon the applicant being granted automatic occupational licensure, the applicant shall:

- (i). Meet all other licensure requirements; and,
- (ii). Meet all renewal requirements of the licensure, including, without limitation, a criminal background check and continuing education hours.

8. Any applicant granted an automatic occupational license under this Section shall be granted no more than one (1) year to complete any of the other licensure requirements necessary for the license type, including but not limited to the Board's criminal background check requirements.

(b). Failure to comply with any of the requirements in Section 9.5(a)(7-9) may result in disciplinary action, including but not limited to revocation.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S2/9/23

A Bill

SENATE BILL 193

5 By: Senators Hill, *Irvin, J. Boyd*
6 By: Representative Eubanks
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS OCCUPATIONAL LICENSING
10 OF UNIFORMED SERVICE MEMBERS, VETERANS, AND SPOUSES
11 ACT OF 2021; TO ADD CONSIDERATION OF NATIONAL
12 CERTIFICATIONS TOWARD INITIAL OCCUPATIONAL LICENSURE
13 AND EXTEND THE APPLICATION TO SPOUSES; TO ELIMINATE
14 THE ONE-YEAR LIMIT FOR VETERANS TO APPLY SERVICE
15 EDUCATION, TRAINING, OR CERTIFICATIONS TOWARD INITIAL
16 OCCUPATIONAL LICENSURE; AND FOR OTHER PURPOSES.
17
18

Subtitle

19 TO AMEND THE ARKANSAS OCCUPATIONAL
20 LICENSING OF UNIFORMED SERVICE MEMBERS,
21 VETERANS, AND SPOUSES ACT OF 2021.
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23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. DO NOT CODIFY. Legislative intent.

28 It is the intent of the General Assembly to:

29 (1) Add national certifications to be considered toward
30 occupational licensure requirements;

31 (2) Extend application for initial licensure to the spouse of a
32 uniformed service member or a uniformed service veteran; and

33 (3) Remove the one-year limit for veterans to apply service
34 education, training, or certifications toward occupational licensure.
35

36 SECTION 2. Arkansas Code § 17-4-107 is amended to read as follows:



1 17-4-107. Acceptance of uniformed service education, training,
2 national certification, or service-issued credential.

3 An occupational licensing entity shall accept relevant and applicable
4 uniformed service education, training, national certification, or service-
5 issued credential toward occupational licensure qualifications or
6 requirements when considering an application for initial licensure of an
7 individual listed in § 17-4-104 ~~who is:~~

8 ~~(1) A uniformed service member; or~~

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

11
12 /s/Hill

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15 **APPROVED: 2/24/23**
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1 State of Arkansas *As Engrossed: S2/6/23 S2/15/23 S2/28/23 S3/1/23 S3/6/23*
2 *H3/15/23*

3 94th General Assembly
4 Regular Session, 2023

A Bill

SENATE BILL 90

5
6 By: Senators Hill, Hester
7 *By: Representatives McCollum, Underwood*

For An Act To Be Entitled

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9
10 AN ACT TO CREATE THE AUTOMATIC OCCUPATIONAL LICENSURE
11 FOR OUT-OF-STATE *LICENSURE* ACT; TO AUTHORIZE
12 OCCUPATIONAL LICENSING ENTITIES TO PROVIDE FOR
13 AUTOMATIC OCCUPATIONAL LICENSURE FOR *NEW RESIDENTS*
14 WHO ARE LICENSED IN ANOTHER STATE, TERRITORY, OR
15 DISTRICT OF THE UNITED STATES; AND FOR OTHER
16 PURPOSES.

Subtitle

17
18
19
20 *TO CREATE THE AUTOMATIC OCCUPATIONAL*
21 *LICENSURE FOR OUT-OF-STATE LICENSURE ACT.*

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

25
26 SECTION 1. Arkansas Code Title 17, is amended to add an additional
27 chapter to read as follows:

28 CHAPTER 7 - AUTOMATIC OCCUPATIONAL LICENSURE FOR OUT-OF-STATE *LICENSURE* ACT

29
30 17-7-101. Title.

31 This chapter shall be known and may be cited as the "*Automatic*
32 *Occupational Licensure for Out-of-State Licensure Act*".

33
34 17-7-102. Definitions.

35 As used in this chapter:

36 (1) "Automatic occupational licensure" means the granting of



1 occupational licensure to an individual who establishes residency in this
2 state without the individual's having met occupational licensure requirements
3 provided under this title or by the rules of the relevant occupational
4 licensing entity;

5 (2) "Occupational licensing entity" means an office, board,
6 commission, department, council, bureau, or other agency of state government
7 having authority to license, certify, register, permit, or otherwise
8 authorize an individual to engage in a particular occupation or profession,
9 not including occupations or professions within the judicial branch of
10 government or occupations or professions subject to the superintending
11 control of the Supreme Court; and

12 (3) "Occupational licensure" means a license, certificate,
13 registration, permit, or other form of authorization, including without
14 limitation military occupational specialty, required by law or rule that is
15 required for an individual to engage in a particular occupation or
16 profession.

17
18 17-7-103. Applicability.

19 Unless otherwise stated in this chapter, this chapter applies to an
20 individual who has occupational licensure in another state, territory, or
21 district of the United States and has established a residence in this state.
22

23 17-7-104. Automatic occupational licensure.

24 (a) If the individual does not have a disqualifying criminal offense
25 under § 17-3-102 or any additional state law relating to the occupational
26 licensure and does not have a complaint, allegation, or investigation pending
27 for his or her occupational activity, an occupational licensing entity shall
28 grant automatic occupational licensure to engage in an occupation or a
29 profession to an individual who is:

30 (1) The holder in good standing for one (1) year of an
31 occupational licensure with similar scope of practice issued by another
32 state, territory, or district of the United States; or

33 (2) An individual who worked:

34 (A) In another state, territory, or district of the United
35 States that does not use an occupational licensure to regulate an occupation
36 or profession but is regulated by occupational licensure in this state; and

1 (B) At least three (3) years in the occupation.

2 (b) An individual who is granted automatic occupational licensure
3 under this subchapter shall meet all other occupational licensure
4 requirements for a resident of this state and all renewal requirements of the
5 occupational licensure, including without limitation a criminal background
6 check and continuing education hours.

7 (c)(1) Notwithstanding subsections (a) and (b) of this section, an
8 occupational licensing entity may require an applicant to pass an examination
9 specific to relevant state laws that regulate the occupation or profession.

10 (2) Notwithstanding subsections (a) and (b) of this section, an
11 occupational licensing entity shall require an applicant to furnish a bond,
12 financial statement, or proof of insurance coverage if required by state law.

13 (d) An occupational licensing entity may waive the requirements of
14 subdivision (c)(1) of this section if the occupational licensing entity finds
15 that:

16 (1) The combination of the applicant's education, training, and
17 experience is a sufficient substitute for the requirement; and

18 (2) A waiver of the requirement will not harm public health,
19 safety, or welfare.

20
21 17-7-105. Responsibilities of occupational licensing entities.

22 An occupational licensing entity shall:

23 (1) Provide automatic occupational licensure to an individual
24 listed in § 17-7-104;

25 (2) Post prominently on the occupational licensing entity's
26 website a link entitled "Out-of-State Licensure" that leads directly to
27 information applicable to an individual licensed under § 17-7-104; and

28 (3) Provide to the Legislative Council an annual report stating
29 the number of individuals granted automatic occupational licensure under this
30 chapter.

31
32 17-7-106. Exemptions.

33 (a) This subchapter does not apply to licensure or certification of:

34 (1) Medical professions under Title 17, Subtitle 3;

35 (2) Legal professionals; or

36 (3) Individuals under reciprocity agreements.

