

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 177

5 By: Senators C. Tucker, J. Bryant
6 By: Representatives Gazaway, M. Shepherd
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 17 OF
10 THE ARKANSAS CODE CONCERNING PROFESSIONS,
11 OCCUPATIONS, AND BUSINESSES; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO MAKE TECHNICAL CORRECTIONS TO TITLE
16 17 OF THE ARKANSAS CODE CONCERNING
17 PROFESSIONS, OCCUPATIONS, AND
18 BUSINESSES.
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 17-26-607(c)(1)(C), concerning the
23 education of student artists in body art, is reenacted to ratify the decision
24 by the Arkansas Code Revision Commission to insert "may have licensure in the
25 additional fields of body art added by" in order to correct a grammatical
26 error.

27 (C) A licensed artist wanting to study additional fields of
28 body art training may have licensure in the additional fields of body art
29 added by completing not less than two hundred fifty (250) clock hours of
30 technical and procedural training in each of the other fields of body art in
31 which a student artist is to be licensed in no less than an additional four
32 (4) months after completion and licensure for the initial field of study.
33

34 SECTION 2. Arkansas Code § 17-82-302(9)(A) and (B), concerning
35 exemptions from licensing for dentists, dental hygienists, and dental
36 assistants, are amended to read as follows to clarify references:



1 (9)(A) The practice of dentistry without compensation for no
2 more than four (4) consecutive days per calendar year in the State of
3 Arkansas by a dentist licensed in another state or the District of Columbia
4 if the dentist has applied for and received a temporary charitable dental
5 license from the board.

6 (B) An applicant seeking a temporary charitable dental
7 license shall submit an application and any application fees required by the
8 board and:

9 (i) The name of the supervising dentist who is licensed
10 in Arkansas;

11 (ii) The dates and location where the applicant desires
12 to practice within Arkansas;

13 (iii) A copy of the applicant's dental license from
14 ~~another jurisdiction~~ another state or the District of Columbia;

15 (iv)(a) A letter from the respective dental
16 licensing entity in the ~~home state of the applicant~~ other state or the
17 District of Columbia indicating that the applicant is in good standing.

18 (b) As used in this subdivision (9)(B)(iv), "good
19 standing" means the individual has an active license without a complaint,
20 investigation, or action against him or her;

21 (v) A copy of the malpractice insurance policy covering
22 the applicant or a certificate of insurance coverage from the underwriting
23 insurer of the policy; and

24 (vi) Other pertinent information as determined by the
25 board.

26
27 SECTION 3. Arkansas Code § 17-82-304(b), concerning the licensing of
28 dentists, is amended to read as follows to repeal obsolete language and
29 update references:

30 (b) An applicant+ shall:

31 ~~(1) Shall:~~

32 ~~(A)(1)~~ Be at least twenty-one (21) years of age;

33 ~~(B)(2)~~ Submit upon request proof as required by the board
34 touching upon age and fitness; and

35 ~~(C)(3)~~ Have graduated from an American Dental Association-
36 accredited college of dentistry with the degree of Doctor of Dental Surgery

1 or Doctor of Dental Medicine; ~~or.~~

2 ~~(2) Shall:~~

3 ~~(A) Be at least twenty one (21) years of age;~~

4 ~~(B) Have graduated from a college of dentistry in North~~
 5 ~~America with the degree of Doctor of Dental Surgery, Doctor of Dental~~
 6 ~~Medicine, or an equivalent degree approved by the board;~~

7 ~~(C) Have passed an examination approved by the board and~~
 8 ~~authorized under § 17-82-303;~~

9 ~~(D) Be a resident of the State of Arkansas and the United~~
 10 ~~States and be in compliance with federal laws of immigration; and~~

11 ~~(E) Serve a period of at least one (1) year under a~~
 12 ~~provisional license issued by the board to foreign graduates and successfully~~
 13 ~~complete the monitoring requirements as ordered by the board at the time the~~
 14 ~~provisional license is issued.~~

15
 16 SECTION 4. Arkansas Code § 17-83-301 is amended to read as follows to
 17 repeal obsolete language and make a stylistic change:

18 17-83-301. License required.

19 ~~Beginning July 4, 1990, no individual shall~~ An individual shall not
 20 practice or offer to practice dietetics within the meaning of this chapter
 21 unless he or she is duly licensed or is a student under the provisions of
 22 this chapter or is otherwise entitled under § 17-83-104 ~~or § 17-83-302.~~

23
 24 SECTION 5. Arkansas Code § 17-83-302 is repealed because the section
 25 is obsolete.

26 ~~17-83-302. Waivers for licensing.~~

27 ~~(a) For one (1) year beginning July 3, 1989, the Arkansas Dietetics~~
 28 ~~Licensing Board shall waive the examination requirement and grant a license~~
 29 ~~to any person who:~~

30 ~~(1) Has received a baccalaureate or postbaccalaureate degree~~
 31 ~~from a regionally accredited United States college or university with a~~
 32 ~~program in human nutrition, food and nutrition, dietetics, or food systems~~
 33 ~~management;~~

34 ~~(2) Has completed a planned continuous preprofessional~~
 35 ~~experience component in dietetic practice of not fewer than nine hundred~~
 36 ~~(900) hours under the supervision of a registered dietitian or licensed~~

1 ~~dietitian; and~~

2 ~~(3) Has been employed in the practice of dietetics for at least~~
 3 ~~three (3) of the last ten (10) years preceding July 3, 1989; or~~

4 ~~(4) Is registered with the Commission on Dietetic Registration.~~

5 ~~(b) Applicants who have obtained their education outside of the United~~
 6 ~~States and its territories must have their academic degree or degrees~~
 7 ~~validated as equivalent to the baccalaureate or postbaccalaureate degree~~
 8 ~~conferred by a regionally accredited college or university in the United~~
 9 ~~States.~~

10
 11 SECTION 6. Arkansas Code § 17-87-101(a), concerning the licensing of
 12 nurses, is amended to read as follows to correct a grammatical error:

13 (a) In order to safeguard life and health, a person practicing or
 14 offering to practice nursing as listed in this subsection for compensation
 15 shall be required to submit evidence that he or she is qualified to so
 16 practice and shall be licensed as provided in this chapter:

- 17 (1) Professional nursing;
 18 (2) Advanced practice registered nursing;
 19 (3) Registered practitioner nursing;
 20 (4) Practical nursing; or
 21 (5) Psychiatric technician nursing.

22
 23 SECTION 7. Arkansas Code § 17-87-104(a), concerning penalties related
 24 to the licensing of nurses, is amended to read as follows to clarify a
 25 criminal offense:

- 26 (a)(1) It ~~shall be a misdemeanor~~ is unlawful for any person to:
 27 (A) Sell or fraudulently obtain or furnish any nursing
 28 diploma, license, renewal, or record, or aid or abet therein;
 29 (B) Practice nursing as defined by this chapter under cover
 30 of any diploma, license, or record illegally or fraudulently obtained or
 31 signed or issued unlawfully or under fraudulent representation;
 32 (C) Practice professional nursing, advanced practice
 33 nursing, registered nurse practitioner nursing, practical nursing, or
 34 psychiatric technician nursing as defined by this chapter unless licensed by
 35 the Arkansas State Board of Nursing to do so;
 36 (D) Use in connection with his or her name any of the

1 following titles, names, or initials, if the user is not properly licensed
2 under this chapter:

3 (i) Nurse;

4 (ii) Registered nurse or R.N.;

5 (iii) Advanced practice nurse, advanced practice
6 registered nurse, A.P.N., or A.P.R.N., or any of the following:

7 (a) Advanced registered nurse practitioner,
8 certified nurse practitioner, A.R.N.P., A.N.P., or C.N.P.;

9 (b) Nurse anesthetist, certified nurse
10 anesthetist, certified registered nurse anesthetist, or C.R.N.A.;

11 (c) Nurse midwife, certified nurse midwife,
12 licensed nurse midwife, C.N.M., or L.N.M.; or

13 (d) Clinical nurse specialist or C.N.S.;

14 (iv) Registered nurse practitioner, N.P., or R.N.P.;

15 (v) Licensed practical nurse, practical nurse, or
16 L.P.N.;

17 (vi) Licensed psychiatric technician nurse, psychiatric
18 technician nurse, L.P.T.N., or P.T.N.; or

19 (vii) Any other name, title, or initials that would
20 cause a reasonable person to believe the user is licensed under this chapter;

21 (E) Practice professional nursing, advanced practice
22 nursing, registered nurse practitioner nursing, practical nursing, or
23 psychiatric technician nursing during the time his or her license shall be
24 suspended;

25 (F) Conduct a nursing education program for the preparation
26 of professional nurses, advanced practice registered nurses, nurse
27 practitioners, practical nurses, or psychiatric technician nurses unless the
28 program has been approved by the board;

29 (G) Prescribe any drug or medicine as authorized by this
30 chapter unless certified by the board as having prescriptive authority,
31 except that a certified registered nurse anesthetist shall not be required to
32 have prescriptive authority to provide anesthesia care, including the
33 administration of drugs or medicines necessary for the care; or

34 (H) Otherwise violate any provisions of this chapter.

35 (2) ~~Such misdemeanor shall be~~ A first offense under subdivision
36 (a)(1) of this section is a violation punishable by a fine of not less than

1 twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500). Each
 2 subsequent offense ~~shall be~~ under subdivision (a)(1) of this section is an
 3 unclassified misdemeanor punishable by fine or by imprisonment of not more
 4 than thirty (30) days, or by both fine and imprisonment.

5
 6 SECTION 8. Arkansas Code § 17-87-604 is amended to read as follows to
 7 repeal obsolete language and make a stylistic change:

8 17-87-604. Effective date.

9 ~~(a)~~ The effective date of this Compact ~~shall be~~ is July 1, 2000.

10 ~~(b) Upon the effective date of this compact, the licensing board shall~~
 11 ~~participate in an evaluation of the effectiveness and operability of the~~
 12 ~~compact. Upon completion of the evaluation, a report shall be submitted to~~
 13 ~~the Legislative Council for its review.~~

14
 15 SECTION 9. Arkansas Code § 17-87-708(a), concerning penalties related
 16 to medication assistive persons, is amended to read as follows to clarify a
 17 criminal offense:

18 (a)(1) It ~~shall be a misdemeanor~~ is unlawful for any person to:

19 (A) Sell or fraudulently obtain or furnish any medication
 20 assistive person's certificate, renewal, or record or aid or abet in any such
 21 sale or fraud;

22 (B) Serve as a medication assistive person under cover of
 23 any certificate or record illegally or fraudulently obtained or signed or
 24 issued unlawfully or under fraudulent representation;

25 (C) Serve as a medication assistive person unless certified
 26 by the Arkansas State Board of Nursing;

27 (D) Use in connection with his or her name any of the
 28 following titles, names, or initials if the user is not properly certified
 29 under this subchapter:

30 (i) Medication assistive person;

31 (ii) M.A.P.;

32 (iii) Medication aide;

33 (iv) Medication technician;

34 (v) Medication assistant;

35 (vi) Certified medication aide;

36 (vii) C.M.A.;

1 (viii) Medication assistant – Certified;

2 (ix) MA – C; or

3 (x) Any other name, title, or initials that would cause
4 a reasonable person to believe the user is certified under this subchapter;

5 (E) Serve as a medication assistive person during the time
6 his or her certification is suspended;

7 (F) Conduct an education program for the preparation of
8 medication assistive persons unless the program has been approved by the
9 board; or

10 (G) Otherwise violate any provisions of this subchapter.

11 (2)(A) ~~A misdemeanor~~ A first offense under subdivision (a)(1) of
12 this section ~~shall be~~ is a violation punishable by a fine of not less than
13 twenty-five dollars (\$25.00) or more than five hundred dollars (\$500).

14 (B) Each subsequent offense under subdivision (a)(1) of this
15 section shall be is a Class C misdemeanor ~~punishable by a fine of not more~~
16 ~~than five hundred dollars (\$500) or by imprisonment of not more than thirty~~
17 ~~(30) days, or by both a fine and imprisonment.~~

18
19 SECTION 10. Arkansas Code § 17-89-203(a)(3), concerning meetings and
20 officers of the Arkansas Board of Dispensing Opticians, is amended to read as
21 follows to correct an obsolete reference:

22 (3) Compile and maintain a book of licensure and a book of
23 registry of all dispensing opticians who are licensed or registered to engage
24 in the business of ophthalmic dispensing in the State of Arkansas, which
25 shall be updated annually. The Arkansas Board of Dispensing Opticians shall
26 annually furnish a copy of the books to the State Board of Optometry and the
27 ~~Ophthalmology Section of the Arkansas Medical Society, Inc.~~ Arkansas
28 Ophthalmological Society;

29
30 SECTION 11. Arkansas Code § 17-89-203(a)(5), concerning the powers and
31 duties of the Arkansas Board of Dispensing Opticians, is amended to read as
32 follows to correct an obsolete reference:

33 (5) Prepare and present an annual report of administration,
34 licensure, registry, and investigation to the State Board of Optometry and to
35 the ~~Ophthalmology Section of the Arkansas Medical Society, Inc.~~ Arkansas
36 Ophthalmological Society;

1
2 SECTION 12. Arkansas Code § 17-90-201 is amended to read as follows to
3 clarify the section:

4 17-90-201. Appointment of members.

5 (a) The State Board of Optometry shall consist of seven (7) members
6 appointed by the Governor as follows for terms of five (5) years subject to
7 confirmation by the Senate ~~for terms of five (5) years~~:

8 (1) After consulting The Arkansas Optometric Association, Inc.,
9 the Governor shall appoint five (5) members who are licensed optometrists and
10 who have been engaged in the regular practice of optometry in this state for
11 a period of three (3) years; and

12 (2) ~~Two~~ The Governor shall appoint two (2) members from the
13 state at large who shall not be actively engaged in or retired from the
14 profession of optometry. One (1) member appointed under this subdivision
15 (a)(2) shall represent consumers, and one (1) member appointed under this
16 subdivision (a)(2) shall be sixty (60) years of age or older and shall
17 represent the elderly. ~~Both shall be appointed from the state at large,~~
18 ~~subject to confirmation by the Senate.~~ The two (2) positions under this
19 subdivision (a)(2) may not be held by the same person. Both members appointed
20 under this subdivision (a)(2) shall be full voting members but shall not
21 participate in the grading of examinations.

22 (b) All vacancies on the board shall be filled in ~~a like~~ the same
23 manner as an appointment under subsection (a) of this section.

24
25 SECTION 13. Arkansas Code § 17-92-206(a), concerning the issuance of
26 bulletins by the Arkansas State Board of Pharmacy, is amended to read as
27 follows to repeal an obsolete reference and make stylistic changes:

28 ~~It shall be the duty of the~~ The Arkansas State Board of Pharmacy
29 ~~to shall~~ shall issue bulletins from time to time, informing pharmacists of
30 important United States public health regulations, service and regulatory
31 announcements of the United States Natural Resources Conservation Service,
32 and decisions of the United States Department of the Treasury relating to the
33 possession, use, and sale of nonbeverage United States Pharmacopoeia alcohol
34 ~~and to the Harrison Wright Antinarcotic Act.~~

35
36 SECTION 14. Arkansas Code § 17-92-301 is amended to read as follows to

1 clarify references and make stylistic changes:

2 17-92-301. License required.

3 (a) ~~No person shall~~ A person shall not perform any of the acts
4 constituting the practice of pharmacy unless the person is:

5 (1) A licensed pharmacist;

6 (2) A student or graduate of a recognized college of pharmacy
7 serving an internship under an internship program established and regulated
8 by the Arkansas State Board of Pharmacy;

9 (3) A pharmacy technician performing the limited functions
10 permitted under this chapter and rules promulgated ~~hereunder~~ under this
11 chapter; or

12 (4) A hospital pharmacy technician as defined in § 17-92-602
13 performing the limited functions permitted under ~~that subchapter~~ the Hospital
14 Pharmacies Act, § 17-92-601 et seq., and rules promulgated ~~thereunder~~ under
15 the Hospital Pharmacies Act, § 17-92-601 et. seq.

16 (b) ~~No~~ A person other than a licensed pharmacist shall not use the
17 term “doctor of pharmacy” or “Pharm.D”.

18
19 SECTION 15. Arkansas Code § 17-92-302(a) and (b), concerning penalties
20 for the unlicensed practice of pharmacy, are amended to read as follows to
21 clarify references, clarify a criminal offense, and make stylistic changes:

22 (a) ~~No~~ A person shall not fill a prescription, compound medicines, or
23 otherwise perform the function of a licensed pharmacist unless the person is:

24 (1) An Arkansas-licensed pharmacist, except students or graduates
25 of a recognized college of pharmacy serving an internship as provided by law
26 and regulated by the Arkansas State Board of Pharmacy;

27 (2) A pharmacy technician performing the limited functions
28 permitted under this chapter and rules promulgated ~~hereunder~~ under this
29 chapter; or

30 (3) A hospital pharmacy technician as defined in § 17-92-602
31 performing the limited functions permitted under ~~that subchapter~~ the Hospital
32 Pharmacies Act, § 17-92-601 et seq., and rules promulgated ~~thereunder~~ under
33 the Hospital Pharmacies Act, § 17-92-601 et seq.

34 (b) ~~Any person who is not an Arkansas-licensed pharmacist or a student~~
35 ~~serving internship or a pharmacy technician performing the limited functions~~
36 ~~permitted under this chapter and rules promulgated hereunder or a hospital~~

1 ~~pharmacy technician as defined in § 17-92-602 performing the limited~~
 2 ~~functions permitted under that subchapter and rules promulgated thereunder,~~
 3 ~~who shall fill a prescription, compound or dispense medicine, or otherwise~~
 4 ~~perform the functions of a pharmacist, shall be guilty of a misdemeanor. A~~
 5 violation of subsection (a) of this section is a violation punishable by a
 6 fine of not less than fifty dollars (\$50.00) nor more than one hundred
 7 dollars (\$100) for the first offense and an unclassified misdemeanor
 8 punishable by a fine of not less than one hundred dollars (\$100) or thirty
 9 (30) days' imprisonment, or both fine and imprisonment, for each ~~succeeding~~
 10 subsequent offense thereafter.

11

12 SECTION 16. Arkansas Code § 17-92-308(c)(1), concerning reciprocity
 13 for the practice of pharmacy, is amended to read as follows to clarify a
 14 reference to the defined term "practice of pharmacy":

15 (c)(1) In the interim between sessions of the board and upon
 16 satisfactory evidence of the fitness as established by board rule of an
 17 applicant for reciprocity, any member of the board, in his or her discretion,
 18 may issue a temporary certificate that shall authorize the holder to engage
 19 in the practice of pharmacy as defined in § 17-92-101.

20

21 SECTION 17. Arkansas Code § 17-92-312 is amended to read as follows:
 22 17-92-312. Revocation and fine – Adulteration of drugs.

23 Any licensed pharmacist who shall knowingly, intentionally, and
 24 fraudulently adulterate or cause to be adulterated any drugs, chemicals, or
 25 medical preparations and ~~offer such~~ offers the adulterations for sale ~~shall~~
 26 be deemed upon conviction is guilty of a ~~misdemeanor. Upon conviction, his or~~
 27 ~~her license shall be revoked and, in addition, he or she shall be liable to a~~
 28 penalty violation punishable by a fine of not less than five dollars (\$5.00)
 29 nor more than one hundred dollars (\$100) and shall have his or her license
 30 under this chapter revoked.

31

32 SECTION 18. Arkansas Code § 17-93-502 is amended to read as follows to
 33 repeal obsolete language:

34 17-93-502. Administration of compact – Rules.

35 (a) The Arkansas State Board of Physical Therapy is the Physical
 36 Therapy Licensure Compact administrator for this state.

1 (b)(1) The board may adopt rules necessary to implement this
2 subchapter.

3 ~~(2)(A) When adopting the initial rules to implement this~~
4 ~~subchapter, the final rule shall be filed with the Secretary of State for~~
5 ~~adoption under § 25-15-204(f):~~

6 ~~(i) On or before January 1, 2020; or~~

7 ~~(ii) If approval under § 10-3-309 has not occurred by~~
8 ~~January 1, 2020, as soon as practicable after approval under § 10-3-309.~~

9 ~~(B) The board shall file the proposed rule with the~~
10 ~~Legislative Council under § 10-3-309(e) sufficiently in advance of January 1,~~
11 ~~2020, so that the Legislative Council may consider the rule for approval~~
12 ~~before January 1, 2020.~~

13 (c) The board is not required to adopt the rules of the Physical
14 Therapy Compact Commission.

15
16 SECTION 19. Arkansas Code § 17-95-108(b)(1), concerning the informed
17 consent required for gastric bypass surgery, is amended to read as follows to
18 repeal obsolete language:

19 (b)(1) The Arkansas State Medical Board shall promulgate rules to
20 enforce this section ~~within six (6) months of July 16, 2003.~~

21
22 SECTION 20. Arkansas Code § 17-95-209 is amended to read as follows to
23 repeal obsolete language:

24 17-95-209. Regulation of office-based surgery.

25 ~~Within eighteen (18) months after August 16, 2013, the The Arkansas~~
26 ~~State Medical Board shall adopt rules to be followed by a physician who~~
27 ~~performs office-based surgery.~~

28
29 SECTION 21. Arkansas Code § 17-95-304(f), concerning inspectors and
30 use of prescriptions, orders, or records under the Arkansas Medical Practices
31 Act, is amended to read as follows to clarify a reference to a state board
32 and make stylistic changes:

33 (f)(1) The division ~~shall have the authority to~~ may collect from the
34 ~~individual board~~ Arkansas State Medical Board for utilizing the services
35 delineated in this section:

36 (1) ~~up~~ Up to fifty dollars (\$50.00) per hour with a maximum of

1 four thousand dollars (\$4,000) in hourly costs per case;

2 (2) ~~The division shall also have the authority to collect from~~
 3 ~~the individual board utilizing the services delineated in this section for:~~

4 (A) Travel expenses at the level for state employees; and

5 (B)(3) Other out-of-pocket costs incurred by the division in
 6 carrying out its investigative task.

7
 8 SECTION 22. Arkansas Code § 17-95-306(a)(1), concerning criminal
 9 background checks under the Arkansas Medical Practices Act, is amended to
 10 read as follows to repeal obsolete language:

11 (a)(1) ~~Beginning July 1, 2005, every~~ Every person applying for a
 12 license or renewal of a license issued by the Arkansas State Medical Board
 13 shall provide written authorization to the board to allow the Division of
 14 Arkansas State Police to release the results of a state and federal criminal
 15 history background check report to the board.

16
 17 SECTION 23. Arkansas Code § 17-96-103(c), concerning unlawful acts and
 18 penalties related to podiatric medicine, is amended to read as follows to
 19 clarify a criminal offense and make stylistic changes:

20 (c) Any person who ~~shall knowingly violate any of the provisions of~~
 21 violates this chapter, upon conviction is guilty of an unclassified
 22 misdemeanor and shall be fined a sum not exceeding one thousand dollars
 23 (\$1,000) or be imprisoned ~~in the county jail~~ not to exceed thirty (30) days,
 24 or be both fined and imprisoned.

25
 26 SECTION 24. Arkansas Code § 17-96-201 is amended to read as follows to
 27 formally create a state board, clarify references, and make stylistic
 28 changes:

29 17-96-201. Creation – Members.

30 (a) There is created the Arkansas Board of Podiatric Medicine.

31 ~~(a)(1)(b)(1) The Governor shall appoint an examining board to consist~~
 32 ~~of board shall consist of~~ five (5) members appointed by the Governor on
 33 September 1, for terms of three (3) years. All members shall be residents of
 34 the state for a period of one (1) or more years.

35 (2) Three (3) members shall be podiatrists and shall have been
 36 actually engaged in the practice of podiatric medicine immediately preceding

1 their appointment. They shall be appointed after consulting the Arkansas
2 Podiatric Medical Association and subject to confirmation by the Senate.

3 (3) Two (2) members of the ~~Arkansas Board of Podiatric Medicine~~
4 board shall not be actively engaged in or retired from the profession of
5 podiatric medicine. One (1) member under this subdivision (b)(3) shall
6 represent consumers, and one (1) member under this subdivision (b)(3) shall
7 be sixty (60) years of age or older and shall represent the elderly. Both
8 members under this subdivision (b)(3) shall be appointed from the state at
9 large subject to confirmation by the Senate. The two (2) positions under this
10 subdivision (b)(3) may not be held by the same person. Both members under
11 this subdivision (b)(3) shall be full voting members but shall not
12 participate in the grading of examinations.

13 (b) All vacancies on the board shall be filled by the Governor to
14 serve for the unexpired term of the member whose place is rendered vacant.
15

16 SECTION 25. Arkansas Code § 17-96-301(b)(2), concerning the license
17 required for podiatric medicine and the penalty for unlawful practice of
18 podiatric medicine, is amended to read as follows to clarify a criminal
19 offense, repeal redundant language, and make a stylistic change:

20 (2) Upon conviction, the person ~~shall be~~ is guilty of ~~a Class A~~
21 ~~misdemeanor~~ an unclassified misdemeanor and shall be fined not less than one
22 hundred dollars (\$100) nor more than five hundred dollars (\$500) or
23 imprisoned for not less than three (3) months nor more than one (1) year, or
24 both. ~~The fine and imprisonment are to be at the discretion of the court or~~
25 ~~jury.~~

26
27 SECTION 26. Arkansas Code § 17-97-201(a)(3)-(5), concerning the
28 creation and members of the Arkansas Psychology Board, are amended to read as
29 follows to add clarifying language and repeal obsolete language:

30 (3)(A) The academic psychologist member, the practicing
31 psychologist members, and the psychological examiner members shall be
32 appointed by the Governor after consulting the Arkansas Psychological
33 Association, Inc., and the Arkansas Association of Masters in Psychology,
34 Inc., and subject to confirmation by the Senate.

35 (B)(i) Of the two (2) members appointed pursuant to
36 subdivision (a)(2)(D) of this section, one (1) member shall represent

1 consumers, and one (1) member shall be sixty (60) years of age or older and
2 shall represent the elderly.

3 (ii) Both shall be appointed from the state at large,
4 subject to confirmation by the Senate.

5 (iii) The two (2) positions may not be held by the same
6 person.

7 (iv) Both shall be full voting members but shall not
8 vote on or participate in the administration or grading of examinations of
9 applicants for licensure.

10 (C)(i) Any public member appointed under subdivision
11 (a)(2)(D) of this section ~~after July 28, 1995~~, shall be an Arkansas resident
12 and shall have resided in Arkansas for at least five (5) years immediately
13 preceding appointment.

14 (ii) Furthermore, the person shall never have been a
15 psychologist or psychological examiner, an applicant or former applicant for
16 licensure as a psychologist or psychological examiner, a member of another
17 mental health profession, a member of a household that includes a
18 psychologist or psychological examiner, or otherwise have conflicts of
19 interest or the appearance of conflicts with his or her duties as a board
20 member.

21 (4)(A) Each psychologist and psychological examiner appointed to
22 the board ~~after July 28, 1995~~, shall reside within the State of Arkansas,
23 hold a current valid license to practice, and shall have been licensed to
24 practice psychology in Arkansas for at least five (5) years immediately
25 preceding his or her appointment to the board.

26 (B) At the time of appointment, each such member shall be
27 free of any conflict of interest and the appearance of any conflict with his
28 or her duties as a member of the board.

29 (C) To the extent possible, psychologist and psychological
30 examiner board members shall be members or fellows of state or national
31 professional organizations, such as the Arkansas Psychological Association,
32 Inc., the Arkansas Association of Masters in Psychology, Inc., or the
33 American Psychological Association.

34 (5)(A) The Governor shall fill all vacancies on the board for the
35 unexpired term within thirty (30) days after the vacancy occurs.

36 (B) The Governor shall remove any member from the board if

1 he or she:

- 2 (i) Ceases to be qualified;
- 3 (ii) Fails to attend three (3) successive board
4 meetings without just cause as determined by the board;
- 5 (iii) Is found to be in violation of this chapter;
- 6 (iv) Pleads guilty or nolo contendere to or is found
7 guilty of a felony listed under § 17-3-102 by a court of competent
8 jurisdiction; or
- 9 (v) Pleads guilty or nolo contendere to or is found
10 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
11 board duties by a court of competent jurisdiction.

12

13 SECTION 27. Arkansas Code § 17-97-201(b), concerning the creation and
14 members of the Arkansas Psychology Board, is repealed to remove redundant and
15 obsolete language.

16 ~~(b) All vacancies occurring on the board shall be filled by the~~
17 ~~Governor for the unexpired term and, for the professional members from the~~
18 ~~list of those qualified, within thirty (30) days after the vacancy occurs.~~

19

20 SECTION 28. Arkansas Code § 17-97-310(b), concerning the denial or
21 revocation of a license to practice psychology, is amended to read as follows
22 to clarify the denial of issuance or revocation of a license by the Arkansas
23 Psychology Board due to a criminal offense for consistency with §§ 17-3-102
24 and 17-97-312:

25 (b) The When determining whether to deny issuance of or revoke a
26 license due to a criminal offense, the board shall refuse to issue or shall
27 revoke the license of any person who has been found guilty of or pleaded
28 guilty or nolo contendere to any of the offenses listed in § 17-97-312(f)
29 unless the person requests and the board grants a waiver pursuant to § 17-97-
30 312(h) follow § 17-3-102.

31

32 SECTION 29. Arkansas Code § 17-100-208(a), concerning outside
33 investigators contracted by the Board of Examiners in Speech-Language
34 Pathology and Audiology, is amended to read as follows to clarify its
35 application:

36 (a)(1) The Board of Examiners in Speech-Language Pathology and

1 Audiology shall contract with an outside investigator as needed to perform
2 investigations and conduct inspections of alleged wrongdoing.

3 (2) An outside investigator ~~contacted~~ contracted with under
4 subdivision (a)(1) of this section shall have expertise or background in the
5 subject matter in which he or she is being contracted to investigate.

6
7 SECTION 30. Arkansas Code § 17-101-315 is amended to read as follows
8 to repeal obsolete language and make stylistic changes:

9 17-101-315. Equine teeth floating.

10 (a) ~~The Arkansas Livestock and Poultry Commission is prohibited from~~
11 ~~enforcing commission policy regarding equine teeth floating by either~~
12 ~~investigating or prosecuting an individual practitioner engaged in equine~~
13 ~~teeth floating until July 1, 2013.~~

14 ~~(b)(1)~~ Before engaging in the practice of equine teeth floating in the
15 state, an individual practitioner shall present to the ~~commission~~ Arkansas
16 Livestock and Poultry Commission signed letters of recommendation from two
17 (2) clients who have previously employed the individual practitioner and who
18 bear witness to the individual practitioner's ability to perform equine teeth
19 floating.

20 ~~(2)(b)~~ The letters of recommendation under subsection (a) of
21 this section shall be presented to the commission before providing service to
22 a client or performing any procedure on any animal.

23
24 SECTION 31. Arkansas Code § 17-101-316(a) and (b), concerning
25 livestock embryo transfer or transplant and livestock pregnancy
26 determination, are amended to read as follows to repeal obsolete language and
27 make stylistic changes:

28 (a) ~~Until July 1, 2019, the Arkansas Livestock and Poultry Commission~~
29 ~~is prohibited from investigating or prosecuting under a commission rule or~~
30 ~~policy an individual technician who engages in both:~~

31 ~~(1) Livestock embryo transfer or transplant; and~~

32 ~~(2) Livestock pregnancy determination.~~

33 ~~(b)~~ Before engaging in livestock embryo transfer or transplant and
34 livestock pregnancy determination in the state, an individual technician
35 shall obtain a certification from the ~~commission~~ Arkansas Livestock and
36 Poultry Commission.

1
2 SECTION 32. Arkansas Code § 17-102-104(a), concerning false
3 advertising under the Arkansas Acupuncture Practices Act, is amended to read
4 as follows to clarify a reference to a defined term:

5 (a) ~~A person defined in § 17-102-102(4)~~ An acupuncturist shall not
6 solicit for patronage or advertise for patronage by any means whatever that
7 are misleading, fraudulent, deceptive, or dishonest.
8

9 SECTION 33. Arkansas Code § 17-102-201(a)(5)(A) and (B), concerning
10 the Arkansas State Board of Acupuncture and Related Techniques, is amended to
11 read as follows to repeal obsolete language and correct a reference to a
12 state legislative committee:

13 (5)(A) On a biennial basis ~~beginning in October 2010~~, the board
14 shall file a written report with the House Committee on Public ~~Heath~~ Health,
15 Welfare, and Labor and the Senate Committee on Public Health, Welfare, and
16 Labor.

17 (B) The report shall contain a certified copy of the minutes
18 of all board meetings as required by § 17-102-205 for the calendar years ~~2009~~
19 ~~through October 2010 and thereafter~~ covering the period of time since the
20 last report.
21

22 SECTION 34. Arkansas Code § 17-102-204(a), concerning the Arkansas
23 State Board of Acupuncture and Related Techniques, is amended to read as
24 follows to repeal obsolete language and make stylistic changes:

25 (a) The Arkansas State Board of Acupuncture and Related Techniques
26 shall ~~within sixty (60) days of August 1, 1997, and every May thereafter~~ hold
27 a meeting in May each year and elect from ~~its~~ the board's membership a
28 president, a secretary, and a treasurer for terms set by the board.
29

30 SECTION 35. Arkansas Code § 17-102-206(b)(5)(B) and (C), concerning
31 the powers and duties of the Arkansas State Board of Acupuncture and Related
32 Techniques, are amended to read as follows to repeal obsolete language:

33 (B) ~~Within thirty (30) days after July 31, 2009, the~~
34 ~~Arkansas State Board of Acupuncture and Related Techniques shall promulgate~~
35 ~~new rules to replace the following existing rules: Title I, Title II, Title~~
36 ~~III, Title IV, Title V, and Title VI.~~

1 ~~(C)~~ All proposed rules ~~after July 31, 2009,~~ shall be
2 approved in writing by the Arkansas State Medical Board under the Arkansas
3 Administrative Procedure Act, § 25-15-201 et seq., but before submission to
4 the Administrative Rules Subcommittee of the Legislative Council;

5
6 SECTION 36. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

7 It is the intent of the General Assembly that:

8 (1) The enactment and adoption of this act shall not expressly
9 or impliedly repeal an act passed during the regular session of the Ninety-
10 Fifth General Assembly;

11 (2) To the extent that a conflict exists between an act of the
12 regular session of the Ninety-Fifth General Assembly and this act:

13 (A) The act of the regular session of the Ninety-Fifth
14 General Assembly shall be treated as a subsequent act passed by the General
15 Assembly for the purposes of:

16 (i) Giving the act of the regular session of the
17 Ninety-Fifth General Assembly its full force and effect; and

18 (ii) Amending or repealing the appropriate parts of
19 the Arkansas Code of 1987; and

20 (B) Section 1-2-107 shall not apply; and

21 (3) This act shall make only technical, not substantive, changes
22 to the Arkansas Code of 1987.

23
24
25
26
27
28
29
30
31
32
33
34
35
36