

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department Arkansas Department of Health

Agency or Division Name ADH Division of Health Related Board and Commission

Other Subdivision or Department, If Applicable Arkansas State Board of Chiropractic Examiners

Previous Agency Name, If Applicable _____

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Name of Rule Applications for State Board Examination and Licensure

Newspaper Name Arkansas Democrat-Gazette

Date of Publishing January 30, 2022, January 31, 2022 & February 1, 2022

Final Date for Public Comment March 1, 2022

Location and Time of Public Meeting 101 E. Captiol Ave. and/or Zoom, April 14, 2022

MARKUP

Act 746 – Authorize Occupational or Professional Licensure for certain individuals

Act 725 – Workforce Expansion Act

Ark. Admin. Code 007.33.8-2 (Formerly cited as AR ADC 029.00.2)

PART 2. RULES

A. APPLICATIONS FOR STATE BOARD EXAMINATIONS AND LICENSURE.

3. Application to the Board for Examination or Licensure.

(a) Applicants responsible for complete credentials. It shall be the responsibility of the applicant to furnish the necessary credentials as the Board deems necessary or as required by law. Submission of credentials does not mean automatic acceptance for examination.

1. The Board shall waive the initial license application fee if the applicant:

(a) Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;

(b) Was approved for unemployment within the last twelve (12) months; or

(c) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(b) All credentials other than the National Board Part IV score must be in the hands of the Executive Director, with a postmark and or electronic receipt from the National Board of Chiropractic Examiners no later than forty-five (45) days before the intended examination date. The National Board Part IV score must be in the hands of the Executive Director with the postmark and or electronic receipt from the National Board of Chiropractic Examiners no later than seven (7) days before the examination date. Incomplete applications will not be considered and will be returned by the Executive Director with the notation "Application Incomplete."

(c) The Board's decision at the time of the credentials survey shall be final for that examination.

(d) Effective January 1, 2008, every person applying for a license issued by the Board shall provide written authorization to the Board to allow the Identification Bureau of the Arkansas State Police to release the results of a criminal history background check to the Board. Each applicant shall complete a state fingerprint card in the presence of a law enforcement officer, and shall have that officer sign the card, giving his/her jurisdiction, the date, and his/her badge number. The applicant shall be responsible for payment of all fees associated with the background check.

(e) Each applicant will be notified by the Board as to his/her acceptability for examination by notice mailed not more than fourteen (14) days after the Board has met to review and pass on said applicants.

Act 746 – Authorize Occupational or Professional Licensure for certain individuals

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PART 2. RULES

A. APPLICATIONS FOR STATE BOARD EXAMINATIONS AND LICENSURE.

(f) Upon denial for cause, the applicant shall have the right to petition the Board for a hearing to prove his/her qualifications, with the burden of proof, at such hearing to rest with the applicant.

(g) If this Board deems it necessary, it may, at any time prior to licensure, require applicant to supply to the Board's satisfaction such further information or documents necessary to establish the applicant's qualifications.

(h) The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit.”

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Health
DIVISION Health Related Boards and Commissions / Arkansas State Board of Chiropractic Examiners
PERSON COMPLETING THIS STATEMENT Laurie Mayhan, Director of Arkansas State Board of Chiropractic Examiners
TELEPHONE NO. (501) 682-9015 **FAX NO.** (501) 682-9016 **EMAIL:** asbce@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Applications for State Board Examination and Licensure

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency’s statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total \$ 0.00 _____

Total \$ 0.00 _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total \$ 0.00 _____

Total \$ 0.00 _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 0.00 _____

\$ 0.00 _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ 0.00 _____

\$ 0.00 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Notice of Rulemaking

The Arkansas State Board of Chiropractic Examiners hereby issue the following proposed amendments to its Rules pursuant to its authority under Ark. Code Ann. §§ 17-81-101 et. seq.

Pursuant to Acts 135, 390, 589, 725, 746, and 748 of the 93rd General Assembly Regular Session (2021), the Rules of the Arkansas State Board of Chiropractic Examiners are being updated to amend rules concerning animal chiropractic, licensure for military veterans, advertising by chiropractic physicians, application for state board examination and licensure, and pre-licensure criminal background check waiver request.

These proposed amendments are available for review at the Arkansas State Board of Chiropractic Examiners office, 101 East Capitol Ave., Suite 209, Little Rock, AR 72201. You may also access them on the Arkansas State Board of Chiropractic Examiners website at <https://www.arkansas.gov/asbce>. All public comments should be addressed, in writing, to Director, Arkansas State Board of Chiropractic Examiners, 101 East Capitol Ave., Suite 209, Little Rock, AR 72201, or by email to asbce@arkansas.gov and should be received no later than March 1, 2022.



Arkansas Department of Health

Arkansas State Board of Chiropractic Examiners
101 E. Capitol, Suite 209 • Little Rock, Arkansas 72201 • (501) 682-9015 • Fax: (501) 682-9016
Governor Asa Hutchinson
José Romero, MD, Secretary of Health
Laurie Mayhan, Director

Proposed Rule Regarding Applications for State Board Examination and Licensure

PURPOSE

The Arkansas State Board of Chiropractic is seeking to amend the Applications for State Board Examination and Licensure section of the Board's rules. Amendments are according to Acts 725 and 746 of 2021.

BACKGROUND

Pursuant to ACA §17-81-101, the Board has authority to promulgate rules necessary to carry out the functions of the Board. Several pieces of legislation were enacted in the 2021 General Session that affected the Board's administrative functions and/or licensure requirements that would require amendments to current rules. The ASBCE Board, Board Director, and legal counsel prepared the attached rule amendments as a result of this legislation. The Board approved these proposed amendments at their November 4, 2021 and December 9, 2021 board meetings.

KEY POINTS

The proposed amendments contain the following changes:

- Adding additional section to license application rule to include waiver section if individual is receiving financial assistance through state program(s).
- Adding additional section to license application rule providing that licensure may be issued to an individual who holds a "work permit".

DISCUSSION

These rule changes use model language prepared by the Attorney General's office to comply with legislative changes that affect multiple boards.

RECOMMENDATION

We recommend that the proposed amendments to the Board's Rule be approved as proposed by the Board.

Thank you for your time and attention.

Sincerely,

Laurie Mayhan
Director

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