

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

NOTICE OF RULE MAKING

The Arkansas Social Work Licensing Board hereby issues the following proposed rules under one or more of the following chapters or sections of the Arkansas Code: §17-103-101 *et seq.*; Arkansas Administrative Procedure Act §25-15-204.

- Amendments to Rule II of the Arkansas Social Work Licensing Rules to comply with statutory changes regarding acceptance of relevant education and training for uniformed service members.

The proposed rule is available for review at <https://www.healthy.arkansas.gov/programs-services/topics/arkansas-social-work-licensing-board> and the Social Work Licensing Board office, 5800 West 10th St., Suite 100, Little Rock, AR 72204. A copy of the proposed rule can also be accessed on the Secretary of State's website at sos.arkansas.gov/rules_and_regs/index.php/rules. All comments must be submitted in writing to the Arkansas Social Work Licensing Board no later than November 20, 2023.

If you need this material in a different format, such as large print, contact swlb@arkansas.gov.

I. Application Procedures:

A. Pre-Licensure Background Check

1. 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.
2. The individual must obtain the pre-licensure criminal background check petition form from the Board.
3. The Board will respond with a decision in writing to a completed petition within a reasonable time.
4. The Board's response will state the reasons for the decision.
5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
6. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

B. Application for licensure may be submitted online on the Board's website. Paper applications shall be submitted to the Board on the form designated by the Board and shall be accompanied by the application fee.

C. The applicant must request an official transcript from his/her college or university with the social work degree posted. The transcript must be received by the Board directly from the college or university. A transcript on file with the Association of Social Work Boards ("ASWB") will also be accepted.

D. An applicant shall sign a release of information to the Board for a state and federal criminal background check to be administered by the Identification Bureau of the Arkansas State Police. The applicant shall be responsible for payment of any fee associated with the background check.

E. Waiver Request for Offenses on Background Check

1. If an individual has been convicted of an offense listed in A.C.A. §17-3-102(a) or (e), the Board may waive disqualification of a potential applicant

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. An individual holding a license subject to revocation.
 2. The Board may grant a waiver upon consideration of the following, 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.
 3. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
 4. The Board will respond with a decision in writing and will state the reasons for the decision.
 5. An appeal of a determination under this subsection will be subject to the Administrative Procedure Act §25-15-201 *et seq.*
- F. An applicant applying for licensure as a Licensed Certified Social Worker (“LCSW”) must provide documentation of LCSW Supervision.
- G. Licensure for Uniformed Service Members, Uniformed Service Veterans, and their Spouses
1. As used in this subsection, “uniformed service veteran” means a former member of the United States Uniformed Services discharged under circumstances other than dishonorable.
 2. 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:

- a. A uniformed service member stationed in the State of Arkansas;
 - b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
 - c. The spouse of:
 - (1) A person under B (1) or (2) above;
 - (2) 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
 - (3) 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.
3. The Board shall grant automatic licensure upon receipt of all of the following:
 - a. Payment of the initial application and licensure fee;
 - b. Evidence that the individual holds a license with a similar scope of practice in another state; and
 - c. Evidence that the applicant is a qualified applicant under Section E(ii) above.
4. 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.
5. 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.
6. 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.

- H. Applications will be reviewed by the Board after all the required information is received. Applicants will be notified by mail of the action taken on the application. If approved, the applicant will be notified of his/her eligibility to take the examination. If the Board determines that the applicant has not met all the requirements and the application is denied, the applicant may request a hearing before the Board.
- I. An application is valid for six (6) months from the date of the application.
- J. The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit.”

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