

Hope, Trice, O'Dwyer & Wilson, P.A.

ATTORNEYS AT LAW
211 SPRING STREET
LITTLE ROCK, ARKANSAS 72201
(501) 372-4144
Facsimile (501-372-7480)
www.htolaw.com

RONALD A. HOPE
KEVIN M. O'DWYER
RALPH "WIN" WILSON III
CHRISTOPHER B. ARNOLD

Direct Dial: 501-313-4203
Email: kodwyer@htolaw.com

WILLIAM H. TRICE III (1946-2014)

March 18, 2016

Via Email and US Mail

Mark Martin
Secretary of State
State Capitol Room 026
Little Rock, AR 72201-1094

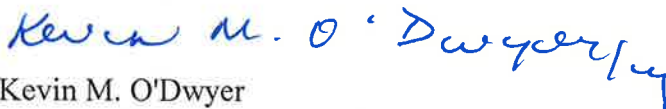
**Re: My Client: Arkansas State Medical Board
Regulation 39 Reinstatement of Arkansas License**

To Whom It May Concern:

Enclosed is an Arkansas Register Transmittal Sheet and a copy of Regulation 39.

Please file this accordingly.

Respectfully,



Kevin M. O'Dwyer
Attorney for the Arkansas State Medical Board

KMO/ly
Enclosure

cc: register@sos.arkansas.gov
Peggy Cryer, Executive Secretary for the Arkansas State Medical Board

ARKANSAS REGISTER

Transmittal Sheet Use only for FINAL and EMERGENCY RULES



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



For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Medical Board

Department _____

Contact Kevin M. O'Dwyer E-mail kodwyer@htolaw.com Phone 501-372-4144

Statutory Authority for Promulgating Rules ACA §17-95-901; ACA §17-95-303; Act 1066 of 2015

Rule Title: Regulation 39 - Reinstatement of Arkansas License

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
- Other _____
(Must be more than 10 days after filing date.)

	Date
Legal Notice Published	<u>12/22/15</u>
Final Date for Public Comment	<u>02/04/16</u>
Reviewed by Legislatice Council	<u>03/15/16</u>
Adopted by State Agency	<u>02/04/16</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kevin M. O'Dwyer kodwyer@htolaw.com 3/18/16
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

501-296-1802 support@armedicalboard.org
Phone Number E-mail Address

Executive Secretary
Title

3/16/2016
Date

REINSTATEMENT OF ARKANSAS LICENSE

REGULATION 39

- A. Pursuant to Ark. Code Ann. 17-1-107, and Act 1066 of the 2015 Arkansas Legislature, the Arkansas State Medical Board shall not require a person who meets licensing requirements to participate in the education, or training required as a prerequisite to licensing registration or certification of a new professional in the field.
- B. The Arkansas State Medical Board may reinstate the license of a person who demonstrates that:
1. He or she was previously licensed, registered, or certified to practice in the field of his or her profession at any time in the State of Arkansas;
 2. Held his or her license in good standing at the time of licensing;
 3. Did not have his or her license revoked for:
 - a. An act of bad faith;
 - b. A violation of law, rule, or ethic;
 4. Is not holding a suspended or probationary license in any state; and
 5. Is sufficiently competent in his or her field; and
 6. Pays any reinstatement fee required.
- C. The Board may require that sufficient competency in a particular field be demonstrated by:
1. Proficiency testing, which could include:
 - a. A clinical skills assessment program evaluation;
 - b. Refresher training;
 - c. A mentorship program based on the Massachusetts State Medical Board's model;
 - d. Passage of special examinations, i.e. SPEX examination, Part III of the USMLE and/or
 - e. Passage of ABMS Board examination/initial or passage of an ABMS Board examination recertification.
 - f. Any physician re-entering a skills-based medical specialty will require a mentoring program determined on a case-by-case basis.
 2. letters of recommendation; or
 3. both proficiency testing and letters of recommendation.
 4. Continuing education or training if the continuing education or training is required for all professionals in the field to maintain the license, registration, or certification, which could include fifty (50) hours of specialty specific category 1 credit for each inactive year of medical practice.
- D. A person shall not be required to comply with requirements to obtain reinstatement of his or her license, registration, or certification if the person meets the requirements for reciprocity.
- E. If a criminal background check is required of a person currently holding a license, registration, or certification, then the Arkansas State Medical Board may require a person seeking reinstatement under this section to meet the same criminal background check requirements as the person currently holding a license, registration, or certification.