

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas State Board of Optometry

Department _____

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

Statutory Authority for Promulgating Rules _____

Rule Title: Proposed Article - Chapter 1, Article IV - Reciprocity, Licensure by Endorsement, Military Personnel

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published

Nov. 6, 13, 20, 2018

☒ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

2/14/2019

☐ Other _____
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

5/17/2019

Adopted by State Agency

2/14/2019

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

Kevin M. O'Dwyer

kodwyer@htolaw.com

May 30, 2019

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

Howard Flippin, DO

aroptometry@sbcglobal.net

Phone Number

E-mail Address

501-268-4351

Executive Director

Title

5/30/2019

Date

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

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WILLIAM H. TRICE III (1946-2014)

May 30, 2019

Mr. John Thurston
Secretary of State
State Capitol – Room 026
Little Rock, AR 72201-1094

**Re: My Client: Arkansas State Board of Optometry
Proposed Article - Chapter 1, Article IV – Reciprocity, Licensure by Endorsement,
Military Personnel**

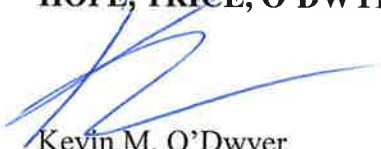
To Whom It May Concern:

Enclosed is an Arkansas Register Transmittal Sheet and a copy of the Proposed Article of Chapter 1, Article IV – Reciprocity, Licensure by Endorsement, Military Personnel.

Please file this accordingly.

Sincerely,

HOPE, TRICE, O'DWYER & WILSON, P.A.



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

KMO:ena
enclosure

cc: Howard Flippin, OD, Executive Director
register@sos.arkansas.gov

PROPOSED ARTICLE

CHAPTER I, ARTICLE IV – Reciprocity, Licensure by Endorsement, Military Personnel

A. Reciprocity

Section 1 –

An application for licensure by reciprocity pursuant to Subchapter 3 of Section 17-90-302 of Act 397 of 1991, shall be filed with the Secretary of the Board and shall set forth the name, address, date of birth, and the place or places where the applicant has engaged in the practice of optometry for the three (3) years immediately preceding the application. This application shall contain the names of at least three persons not related to the applicant with whom the applicant has been associated in the last five years. Such application shall also state whether or not the applicant has ever been convicted of a crime, or has ever had his license to practice optometry in other states revoked or suspended.

Section 2 –

Such application shall also set forth the educational and professional qualifications of the applicant.

Section 3 –

The application shall contain a statement by the applicant that he is willing to abide by the laws of this State and the rules and regulations of this Board, and such application shall be subscribed by the applicant and sworn to by him before an officer qualified to administer oaths by the laws of this State.

Section 4 –

The application shall be accompanied with a fee of \$400.00. It shall be understood by the applicant that the application fee is to cover the cost of investigation and examination felt necessary by the Board.

B. Licensure by Endorsement

Section 1 –

Any person from another state desiring to engage in the practice of optometry in this state may be issued a licensure by endorsement at the sole discretion of the State Board of Optometry upon satisfactory proof that he or she:

1. Is qualified under this chapter;
2. Has been issued a certificate or license to practice optometry by a state, territory, the District of Columbia, or Canada having standards of proficiency at least equal to the standards of Arkansas;
3. Has engaged in the lawful practice of optometry for a period of three years of the past four years in the other state, territory, the District of Columbia, or Canada and has complied with the requirements of the Arkansas licensure law at the time of application; and

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4. Has passed an Arkansas jurisprudence examination as approved by the Board.

Section 2 –

The applicant shall pay a fee to the State Board of Optometry of \$400.00 (equal to the fee of a new applicant) to cover the administrative costs of the application process.

Section 3 –

An application for licensure by endorsement shall be accompanied by:

1. The fee described in Section 2;
2. Certification from all states or territories in which the applicant has practiced;
3. A certificate of good standing from each authority which issued the license, setting forth the applicant's moral reputation and character, history with the authority, professional ability, continuing education compliance, and other information or data as the State Board of Optometry may deem necessary or expedient;
4. A copy of the therapeutic license held by the applicant and current photo;
5. A copy of the cardiopulmonary resuscitation certification held by the applicant;
6. Transcripts from all colleges or universities attended by the applicant; and an accredited school or college of optometry;
7. Proof of completion of all parts of the National Board of Examiners in Optometry examination required at the time of graduation for initial licensure sent directly to the State Board of Optometry;
8. Information on past medical malpractice claims and any disciplinary actions;
9. Application to the Identification Bureau of the Department for Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation; and
10. Appear in person before the State Board of Optometry for an interview.

Section 4 –

Upon furnishing satisfactory proof of fitness, the State Board of Optometry in its discretion may issue a license to practice optometry to the applicant without further cost except as otherwise provided in the Rules and Regulations for the renewal of licenses.

C. Licensure for Active Military Members

1. Definitions:

- a. As used in this section, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

2. Licensure:

- a. Pursuant to Act 248 of 2017, the Arkansas State Board of Optometry shall allow the following individuals to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure or certification or permitting if the individual is the holder in good standing of a substantially equivalent license, certificate, or permit issued by another state:
 - (1) An active duty military service member stationed in the State of Arkansas;
 - (2) A returning military veteran applying within one (1) year of his or her discharge from active duty; or
 - (3) The spouse of a person under subdivisions (b)(1) and (2) of this section.
- b. The Arkansas State Board of Optometry shall expedite the process and procedures for full licensure, certification, or permitting for the following individuals:
 - (1) An active duty military service member stationed in the State of Arkansas;
 - (2) A returning military veteran applying within one (1) year of his or her discharge from active duty; or
 - (3) The spouse of a person under subdivisions (c)(1) and (2) of this section.
- c. When considering an application for full licensure, certification, or permitting for an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the Arkansas State Board of Optometry:
 - (1) Shall consider whether or not the applicant's military training and experience in the area of licensure, certification, or permitting is substantially similar to experience or education required for licensure, certification, or permitting; and
 - (2) Shall accept the applicant's military training and experience in the area of licensure, certification, or permitting in lieu of experience or education required for licensure, certification, or permitting if the state board or commission determines the military training and experience is a satisfactory substitute for the experience or education required for licensure, certification, or permitting.
- d. A license required to enable the holder to lawfully engage in a profession, trade, or employment in this state held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred

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eighty (180) days following the active duty military service member's or spouse's return from active deployment.

- e. (1) The Arkansas State Board of Optometry shall allow a full or partial exemption from continuing education required as part of licensure, certification, or permitting for a profession, trade, or employment in this state for the following individuals:

(A) An active duty military service member deployed outside of the State of Arkansas;

(B) A returning military veteran within one (1) year of his or her discharge from active duty; or

(C) The spouse of a person under subdivisions (f)(1) and (2) of this section.

(2) If the Arkansas State Board of Optometry allows a full or partial exemption from continuing education required under subdivision (f)(1) of this section, the Board may require evidence of completion of continuing education before issuing the individual a subsequent license, certificate, or permit or authorizing the renewal of a license, certificate, or permit.