

# 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  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Division of Health Related Boards - Dietetics Licensing Board

Department Department of Health

Contact Debi Head E-mail ARDiet@arkansas.gov Phone 5016612530

Statutory Authority for Promulgating Rules ACA 17-83-203

Rule Title: \_\_\_\_\_

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>11/17/2021</u>
Final Date for Public Comment .....	<u>12/18/2021</u>
Reviewed by Legislative Council .....	<u>4/21/2022</u>
Adopted by State Agency .....	<u>8/3/2021</u>

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

Debie Head debiehead@gmail.com 4/25/2022  
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.)

Debie Head  
Signature  
5012073413 debiehead@gmail.com  
Phone Number E-mail Address  
ArDLB chair  
Title  
4/25/2022  
Date

**SECTION VII. QUALIFICATIONS FOR ISSUANCE OF LICENSE****E. Licensure for Uniformed Service Members and Spouses**

1. As used in this subsection:
  - a. “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
  - b. “uniformed service veteran” means a former member of the United States Armed Forces 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. or is currently registered by the CDR as a registered dietitian 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 such automatic licensure upon receipt of all the below:
  - a. Payment of the initial 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.2 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.

**F. Waiver request for disqualifying criminal offense**

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 section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*
- G. 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.”

## **SECTION X. RENEWAL OF LICENSES**

- B. Licensees applying for renewal shall:
1. Submit a completed renewal application;
  2. Renewal fee; and
  3. Documentation showing completion of at least twelve (12) clock hours per renewal period of continuing education. All continuing education hours must be in compliance with continuing professional education activities approved by CDR or be volunteer services provided under the Arkansas Volunteer Healthcare Act.

## **SECTION XI. FEES**

The Board shall waive the initial licensing fee if the applicant:

1. 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;
2. Was approved for unemployment within the last twelve (12) months; or

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

## **Section XVII. THE PRACTICE OF TELEMEDICINE**

### **A. Definitions**

2. “Originating site” means a site at which a patient is located at the time healthcare services are provided to him or her by means of telemedicine, including the home of a patient. Ark. Code Ann. §17-80-402(2).

F. Professional Relationship Exceptions – Under Ark. Code Ann. § 17-80-403(c), “Professional relationship” does not include a relationship between a licensed dietitian and a client established only by the following:

1. An internet questionnaire;
2. An email message;
3. Patient-generated medical history;
4. Text messaging;
5. A facsimile machine; or
6. Any combination thereof.