

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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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 Rulemaking

The Arkansas Department of Health, Division of Health Related Boards & Commissions/Arkansas Board of Optometry hereby issue the following proposed amendments to its Rules pursuant to its authority under Ark. Code Ann. § 17-90-204.

The Board is updating its existing rules to update existing rules regarding licensure for military personnel per Ark. Code Ann. § 17-4-101 *et seq.*

This proposed policy is available for review at the Board of Optometry's office, 5800 W 10th St, Suite 100, Little Rock, AR 72204. You may also access it on the Board's website at <https://www.aroptometry.org/>. All public comments must be submitted in writing to the Board of Optometry no later than December 5, 2023.

If you need this material in a different format, such as large print, contact Tanya Ford at 501-534-6139 or Tanya.Ford@arkansas.gov.

B. Licensure for Uniformed Service Members

Section 1 - Definitions:

A. As used in this chapter, “uniformed service veteran” means a former member of the United States Uniformed Services discharged under circumstances other than dishonorable.

B. As used in this chapter, “automatic licensure” means granting a license to practice optometry without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these rules.

C. As used in this chapter, “uniformed service member” means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

Section 2 - Licensure:

A. Pursuant to Ark. Code Ann. §17-4-101 *et seq*, the shall allow the following individuals to secure employment with automatic licensure if the person is a holder in good standing of an optometry license with a similar scope of practice issued by another state, territory, or district of the United States and the person pays the licensure fee in Article I, Chapter IV, Section 2 :

- (1) A uniformed member stationed in the State of Arkansas
- (2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
- (3) The spouse of:
 - (a) A person under A. 1. or 2. above;
 - (b) 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
 - (c) 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.

B. When considering an application for full licensure, certification, or permitting for a uniformed service member stationed in the State of Arkansas or a uniformed service veteran who resides in or establishes residency in the State of Arkansas, the Arkansas State Board of Optometry:

- (1) Shall consider whether or not the applicant's uniformed service education, training, national certification, service-issued credential and experience in the area of licensure, certification, or permitting is ~~substantially similar to~~ relevant and applicable to licensure, certification, or permitting; and
- (2) Shall accept the applicant's relevant and applicable uniformed service education, training, national certification, service-issued credential, and experience in the area of licensure, certification, or permitting in lieu of experience or education required for licensure, certification, or permitting.

C. A license required to enable the holder to lawfully engage in a profession, trade, or employment in this state held by a uniformed service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the uniformed service member's or spouse's return from deployment.

D. Continuing Education

- (1) The Board shall exempt from continuing education required as part of licensure, certification, or permitting for a profession, trade, or employment in this state 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.
- (2) Any uniformed service member or spouse exercising the exemption under this subsection shall provide evidence of completion of continuing education before the Board renews his or her license, certificate, or permit or issues a subsequent license, certificate, or permit.

B. Licensure for Uniformed Service Members

4. Section 1 - Definitions:

- a. A. As used in this ~~section~~ chapter, “uniformed service veteran” means a former member of the United States Uniformed Services discharged under circumstances other than dishonorable.

B. As used in this chapter, “automatic licensure” means granting a license to practice optometry without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these rules.

C. As used in this chapter, “uniformed service member” means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

2. Section 2 - Licensure:

- a. A. Pursuant to Ark. Code Ann. §17-4-101 ~~et seq~~, the ~~Arkansas State board of Optometry~~ Board shall allow the following individuals to secure employment with a ~~temporary automatic 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 license, certificate, or permit with a similar scope of practice issued by another state~~ automatic licensure if the person is a holder in good standing of an optometry license with a similar scope of practice issued by another state, territory, or district of the United States and the person pays the licensure fee in Article I, Chapter IV, Section 2 :

(1) A uniformed member stationed in the State of Arkansas

(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of:

(a) A person under a ~~(1) or (2)~~ A. 1. or 2. above;

(b) 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

- (c) 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.

b. ~~The Arkansas State Board of Optometry shall expedite the process and procedures for full licensure, certification, or permitting for the following individuals:~~

~~(1) A uniformed service member stationed in the State of Arkansas;~~

~~(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or~~

~~(3) The spouse of:~~

~~a. A person under (1) or (2) above;~~

~~b. A uniformed service member who is assigned a tour of duty that excludes the uniformed service members spouse from accompanying the uniformed service member and the spouse relocates to this state; or;~~

~~c. 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.~~

e. B. When considering an application for full licensure, certification, or permitting for a uniformed service member stationed in the State of Arkansas or a uniformed service veteran who resides in or establishes residency in the State of Arkansas, the Arkansas State Board of Optometry:

(1) Shall consider whether or not the applicant's ~~military~~ uniformed service education, training, national certification, service-issued credential and experience in the area of licensure, certification, or permitting is ~~substantially similar to experience or education required for~~ relevant and applicable to licensure, certification, or permitting; and

(2) Shall accept the applicant's relevant and applicable ~~military~~ uniformed service education, training, national certification, service-issued credential, 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. ~~C.~~ A license required to enable the holder to lawfully engage in a profession, trade, or employment in this state held by a uniformed service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the uniformed service member's or spouse's return from deployment.

e. D. Continuing Education

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

(2) ~~If the Arkansas State Board of Optometry allows a full or partial exemption from continuing education required under subdivision (e) (1) certificate, or permit or authorizing the renewal of a license, certificate, or permit.~~ Any uniformed service member or spouse exercising the exemption under this subsection shall provide evidence of completion of continuing education before the Board renews his or her license, certificate, or permit or issues a subsequent license, certificate, or permit.