

**BOARD OF HEARING INSTRUMENT DISPENSERS
RULES**

ARTICLE I. Description

Section 1. The Act establishing the Arkansas Board of Hearing Instrument Dispensers provides for examination and licensing of persons who fit and dispense hearing instruments in the State of Arkansas.

Section 2. Information regarding this Board may be obtained by accessing the board's website.

ARTICLE II. Meeting of the Board

Section 1. The Board shall meet at least twice a year at a time and place designated by the Chairman of the Board in his official call of such meetings. Provided, however, additional special meetings may be held, if in the discretion of the Chairman of the Board, such special meetings are necessary.

Section 2. Regular meetings may be called by the Chairman of the Board giving ten (10) days' notice thereof. Such notice shall be in writing and shall set forth the time and place of such meeting. Special meetings of the Board may be called by the Chairman, at any reasonable time, or shall be called by the Chairman at any time upon the request of a majority of the members of the Board.

Section 3. Five (5) of the Seven (7) members of the Board shall constitute a quorum. If a quorum is not present at the time of such called meeting, the meeting shall be adjourned to a day to be designated by the Chairman.

ARTICLE III. Duties and Powers of the Board

Section 1. It shall be the duty of the Chairman of the Board to preside at all meetings of the Board. The Chairman shall exercise general supervision of the affairs of the Board and shall have the usual powers of such office and any other powers and duties as the Board may direct.

Section 2. It shall be the duty of the Vice-Chairman to preside at any meeting at which the Chairman is unable to attend. The Vice-Chairman shall assume the duties of Chairman in case the Chairman becomes unable, for whatever reason, to handle the affairs of the Board. If neither the Chairman nor Vice-Chairman is available, the Secretary-Treasurer shall preside and/or handle the affairs of the Board.

Section 3. It shall be the duty of the Secretary-Treasurer, or with Board approval, the duty of the Executive Director, to keep all the minutes and records of the Board. The Secretary-Treasurer or Executive Director shall have custody of all fees received by the Board, including application fees, license fees, renewal fees, fines, penalties, and other payments, and shall be responsible for such funds, and shall make an annual report to the appropriate authorities regarding the disbursement of these funds. The Secretary-Treasurer or Executive Director shall, with the approval of the Board, be responsible for the preparation of the annual budget of the Board. The Executive Director of the Board is covered by the Self-Insured Bond Program for Arkansas Government and Political Sub-divisions.

Section 4. Officers shall be elected annually at the first regular meeting held after June 30.

Section 5. The fee schedule, as set by the Board, is as follows:

- | | | |
|-----|----------------------------|----------|
| (a) | application fee | \$100.00 |
| (b) | practical examination fees | |

	ear mold	\$25.00
	audiometric	\$25.00
	law and rules	\$25.00
(c)	re-examination fee	same as fee for portion repeated
(d)	internship fee	\$100.00
(e)	registration fee	\$50.00
(f)	annual license fee	\$100.00
(g)	late payment penalty of 10% of the annual license fee if paid within thirty (30) days after expiration.	
(h)	license reinstatement fee	of one and one-half (1 ½) times the annual license fee, if the renewal is not paid within the thirty (30) day grace period.
(i)	endorsement to another state	\$20.00
(j)	replacement or duplicate license	\$25.00
(k)	insufficient funds	\$25.00
(l)	CEU approval	\$50.00 per CE Unit

Section 6. The fee set out in Section (L) of Article III (5) shall be paid by the entity or individual requesting the approval and shall be good for twelve (12) months from the date of notice from the board of approval or denial.

ARTICLE IV. Forms

All forms and other printed material necessary for the administration of the board's duties shall be approved by a majority of the Board.

ARTICLE V. Application for License

Section 1. Applications for an Arkansas hearing instrument dispenser's license or internship must be made on forms provided by the Board. Applications submitted on forms other than originals furnished by the Board will not be accepted by the Board.

Section 2. Application forms may be obtained by writing to the Board's Executive Director. The Board's Executive Director contact information may be obtained by accessing the board's website. A copy of the current statutory provisions and Board rules governing the fitting and sale of hearing instruments will be provided with the application form.

Section 3. All application forms must be completed in full. Incomplete applications will be returned to the applicant and shall not be considered until all information is completed. All application forms must be accompanied by a check or money order in the amount, and covering the fees, specified on the face of the application. Appropriate fees shall be charged by the Board to any applicant whose check is returned by the bank.

Section 4. Completed applications for examination must be received by the Board through the Executive Director no later than thirty (30) days prior to the examination. Completed applications received or completed less than thirty (30) days before the examination next scheduled will not be considered for that examination but will be considered for the following examination.

Section 5. Any person furnishing false information on any application shall be denied the right to take the examination, or to participate in the internship program. If the applicant has been licensed before such false information is made known to the Board, such license shall be subject to suspension or revocation. If a person has begun the internship program before such false information is made known to the board, the intern is subject to expulsion from the program.

ARTICLE VI. Internship Program

Section 1. No person shall train or supervise an intern unless he/she has complied with the requirements of Ark. Code Ann. Section 17-84-304.

Section 2. No licensed hearing instrument dispenser or audiologist, qualified to act as a sponsor of an intern, shall have more than one (1) intern in the training program under his/her supervision at any one time.

Section 3. No intern sponsor shall knowingly allow or require any intern under his/her supervision to practice the dispensing of hearing instruments except under his/her direct, personal, and physical supervision, nor knowingly allow or require such intern to work out of any office other than his/her own.

Section 4 Each sponsor must submit, in writing, to the Board, at the time application is submitted, an outline of the training program he/she intends to use for each intern he/she sponsors. Such training program must be approved by the Board prior to the issuance of any internship certificate. The Board may prepare and distribute model training program outlines.

Section 5. At the time the internship is completed and before the intern will be allowed to take the licensure examination, the sponsor must submit to the Board a written report on a form furnished by the Board and verify under oath that the intern has successfully completed the prescribed internship program. Each sponsor must notify the Board in writing, within ten (10) days, by certified mail, of any intern who abandons his/her internship program before completion.

Section 6. An intern may change sponsors, for good cause shown, with the permission of the Board.

Section 7. Any intern who abandons his/her internship program before completion must reapply and complete a new one (1) year internship program.

Section 8. Any person sponsoring an intern must agree to be accountable to the Board of Hearing Instrument Dispensers in all matters concerning the internship.

ARTICLE VII. Examination

Section 1. The written portion of the licensing examination is a standardized exam administered by the International Hearing Society (IHS). Upon approval for license by examination, the Board will notify IHS of the applicant's eligibility to take or retake the written exam. IHS will then notify the applicant by email of his/her eligibility to schedule the written portion of the exam. Applicants should not contact IHS directly before being notified of approval to take the written exam, as eligibility and approval are determined by the Board. IHS charges a fee for the exam, which the applicant will pay directly to IHS upon registration for the written examination.

IHS will send examination scores to the Board, and the Board will send a pass or fail notification to the applicant by email and regular mail (applicants should maintain updated contact information with the Board). The Board may follow the pass or fail recommendations set out by IHS.

Section 2. Upon passing the written portion of the exam, the applicant is eligible to take the practical portions of the licensing exam, which shall consist of the subject matter contained in Ark. Code Ann. Section 17-84-305 and shall be given at least one (1) time per year, following a regular Board meeting.

Section 3. The practical portion of the examination will include testing of the applicant's knowledge of the provisions of Ark. Code Ann. 17-84-101, et seq. and the Rules of the Board of Hearing Instrument Dispensers.

Section 4. Once the Board receives a written recommendation by the sponsor of a person participating in a valid internship program who has successfully completed his/her first six months of the internship program, that intern may take the written exam. Upon passing the written portion of the exam, that intern may take the practical portions of the licensing exam, which shall consist of the subject matter contained in Ark. Code Ann. Section 17-84-305 and shall be given at least one (1) time per year, following a regular Board meeting.

(a) An attempt by an intern to pass the examination shall count against the three (3) allowed attempts to successfully pass the licensing examination as stated in Ark. Code Ann. Section 17-84-305 (d). If an intern fails any part of the exam, the intern must complete the internship program before re-examination.

(b) An intern must work in the same physical location as the intern's sponsor.

(c) Every audiogram and purchase order performed by any intern must be approved, initialed, and dated by his/her sponsor.

(d) An intern who satisfactorily passes the licensing examination during his/her internship program may complete the internship program under the oversight of the sponsor without the sponsor's direct personal and physical supervision.

Section 5. An intern must repeat the internship application and program if the intern:

(a) Fails to pass any part of the examination within eighteen (18) months of the Board's approval of the intern's initial internship; or

(b) Fails to pass the exam as a whole after three (3) attempts.

Section 6. An applicant for licensure who has not completed the internship program must re-apply for licensure by examination if the applicant fails to pass any part of the examination within one (1) year of the board's approval of the applicant's initial application, and shall be required, if applicable, to complete the internship program as described in ACA 17-84-304.

ARTICLE VIII. Annual License Renewal; Inactive Status

Section 1. The annual license fee and the information required by Article VIII (3) shall be submitted by each license holder to the Executive Director on or before the expiration date of his/her current license or renewal. All such licenses shall expire on June 30 each year, unless otherwise specified by the Board, and all licenses shall be renewed annually. Responsibility for the renewal of a license shall rest with the license holder, and if reminders of such renewal are sent by the Executive Director, it shall be as a courtesy only and shall not be deemed a responsibility of the Board.

Section 2. Renewal shall be judged delinquent if either the annual license fee or the renewal information is not postmarked before midnight of the date of expiration.

(a) A delinquent license may be renewed within thirty (30) days of the date of expiration by the payment of the annual license fee, plus a penalty of ten (10%) percent of the annual license fee, and the submission of the renewal information required by Article VIII (3).

(b) If the renewal information and license fee, plus penalty, is not submitted within the thirty (30) day period following the date of expiration, the license shall be considered revoked for non-payment of license fees. Any license considered revoked for non-payment of license fees, may be reinstated by the Board upon payment of the required \$300 fee and submission of the renewal

information.

(c) If the annual license fee and/or the renewal information is delinquent by at least sixty (60) days, the licensee shall be reexamined prior to the renewal of the license.

Section 3. Each licensee applying for renewal of his/her license shall furnish to the Arkansas Board of Hearing Instrument Dispensers the following:

(a) Proof of attending, during the preceding year, a minimum of twelve (12) hours of board-approved continuing education in the methods and techniques of testing and fitting hearing instruments, including at least one (1) hour of ethics.

(i) All continuing education courses, including course content and presenter's qualifications must be submitted to the Board for pre-approval before such courses are taken by the licensee.

(ii) Failure to receive Board approval of continuing education hours prior to the end of the license year shall be sufficient cause for non-renewal of the license.

(iii) Up to four (4) continuing education hours may be earned via courses taken over the internet for any one renewal period. Each internet course must be fully completed prior to the end of the license year in which it is commenced. Proof of passage must be supplied in writing at the time of renewal for the upcoming year.

(iv) The required one hour of ethics cannot be earned through an internet course. The ethics hour must include a discussion of the statutes and rules of the State of Arkansas pertaining to hearing instrument dispensers and shall be presented by an Arkansas licensed Audiologist or Arkansas licensed hearing instrument dispenser;

(b) Written evidence of annual calibration of all audiometers and tympanometer used by the license holder to current national standards;

(c) A blank copy of the currently used bill of sale or comparable document provided to patients as required by Ark. Code Ann. 17-84-104; and

(d) A statement regarding whether the licensee is engaged in the practice of dispensing in-office assembled hearing instruments.

Section 4. Any hearing instrument dispenser who, because of illness or other unavoidable circumstance, is unable to comply with the requirements for license renewal, may make application to the Board stating the circumstances as to why he/she is unable to so comply, and the Board, in its discretion, may relieve the applicant from complying for such time and under such circumstances as the Board deems proper.

Section 5. Inactive Status. A licensee may be placed on inactive status by submitting a written request to the Board at the time of license renewals. A licensee electing inactive status shall pay a reduced fee of fifty (50) percent of the current renewal fee. A licensee may resume active status by submitting a written request to the Board, paying the full renewal fee, and following any requirements listed in this Section.

(a) A licensee on inactive status may not actively engage in the practice of dispensing hearing instruments and must submit a statement acknowledging that at the time he/she elects inactive status.

(b) Continuing Education requirements under Article VIII Section 3(a) shall be waived for a licensee on inactive status. A licensee who resumes active status does not need to meet the annual

Continuing Education requirements by the end of his/her first year after returning from inactive status, but he/she must attend twelve (12) hours of Board-approved continuing education, including one (1) hour of ethics, by the end of the second year after returning to active status.

(c) A licensee on inactive status shall be exempt from the requirements of Article VIII Section 3(b)-(c). A licensee electing to return to active status must comply with those sections before returning to active status.

(d) A licensee on inactive status may renew their license on an annual basis at the reduced renewal fee.

ARTICLE IX. Standards of Practice

Section 1. Testing. To ensure accurate testing or screening, the maximum allowable ambient noise level shall not exceed 55dB (A scale) wherever the testing or screening is conducted. The ambient noise level shall be measured on the A scale with a properly calibrated electronic sound level meter, and shall be recorded on the audiogram prior to testing or screening. All equipment must be maintained in good working order and be calibrated to national standards.

Section 2. All patients shall receive a battery of tests sufficient to determine the type and degree of hearing loss, and to rule out pathologies that require medical referral. All patients shall receive a battery of tests that will include tympanometry, pure tone air and bone conduction, speech reception threshold and speech discrimination with masking when indicated, and a measurement of most comfortable listening level (MCL), and a measurement of uncomfortable listening level (UCL).

Section 3. Fitting. All licensees shall include in their sales agreements the terms of all licensee's warranties and/or guarantees.

Section 4. Verification. Evaluation of objective hearing aid performance with hearing instrument(s) in place must be done. This can be accomplished by way of "sound field" testing or "real ear measurement", according to equipment manufacturer's specifications. The results of the verification shall be documented and made available to the board upon request.

Section 5. Validation. All licensees shall record in the patient's file all patient complaints, questionnaires, tests administered, results observed, adjustments made to the hearing instrument, and recommendations made to the patient.

Section 6. All licensees operating an established place of business shall maintain their records pertaining to fitting and dispensing hearing instruments to consumers for a period of five (5) years. All such licensees shall furnish copies of a patient's records to him or her, upon request within a reasonable period, not to exceed thirty (30) days. A licensee may assess a reasonable records fee not to exceed one dollar (\$1.00) per page for the first five (5) pages and twenty-five cents (\$.25) for each additional page. All such licensees who cease the active practice of dispensing hearing instruments shall make adequate provisions for a patient to obtain copies of his or her records upon reasonable request.

ARTICLE X. Unethical Conduct; Termination of Internship

Section 1. It shall be the responsibility of each licensee or intern to be familiar with and to avoid commission of any of the acts regarded as unethical practices by this Act. Full responsibility for the ethical conduct of an intern shall rest with the sponsor.

Section 2. A sponsor may terminate an intern for unethical or dishonest conduct, or for other good cause. Within ten (10) days the sponsor shall notify the Board of such termination by certified mail, explaining in full the grounds for such termination.

Section 3. Any intern deprived of his/her sponsorship by termination may request a hearing by

the Board. If a majority of the Board shall find him/her blameless of the charges, he/she shall be free to seek sponsorship with the same or another license holder. Upon application by a new sponsor, his/her internship may be reinstated, with no payment of fee or penalty. If the Board shall find him/her guilty as charged, the Board, in its discretion, may suspend or revoke the internship.

Section 4. Any licensee or intern who violates any federal regulations regarding screening or testing for the purpose of dispensing or selling of hearing instruments, or HIPAA regulations concerning patient confidentiality shall be deemed in violation of Ark. Code Ann. Section 17-84-308, and shall be subject to the penalties contained therein.

ARTICLE XI. Filing of Charges and Investigation

Section 1. Any person may file a written complaint with this Board against any licensee or intern or unlicensed person in this state, charging said person with having violated the provisions of the Board's statutes or rules.

Section 2. Any licensed hearing instrument dispenser or intern against whom a complaint has been filed with the Board shall be given the opportunity to respond to the complaint in writing. The complainant shall have twenty (20) days, from the date of receipt of the complaint, to respond.

Section 3. The Board may initiate an investigation act upon its own motion or upon written complaint. An investigation may be conducted by one or more of the Board members or agents of the Board.

Section 4. If a complaint is filed by a current board member, that board member shall not participate in discussion or vote in any hearing that is held pursuant to the complaint.

Section 5. If, after investigation, the Board finds the complaint justified, further action taken by the Board shall be governed by the Administrative Procedures Act, Ark. Code Ann. Section 25-15-201, et. seq.

ARTICLE XII. Established Place of Business

Section 1. On his/her application to the Board for a license by examination, or an internship, the applicant shall state the following:

- (a) The applicant's name and residence address.
- (b) The name of the established place of business in which he/she conducts business.
- (c) The physical location or address of that established place of business.
- (d) The mailing address and business phone number of that established place of business.
- (e) A listing of the equipment used in the practice of fitting and dispensing of hearing instruments.
- (f) The name and license number of the person in charge of that established place of business.
- (g) The name and business address, if different of the person or persons financially responsible for that established place of business.
- (h) A statement regarding whether the applicant will be engaged in the practice of dispensing in-office assembled hearing instruments.

Section 2. The established place of business identified by the applicant shall be the place where the applicant's license or certificate shall be regularly displayed and shall contain adequate equipment and supplies for serving the needs of the public.

Section 3. A person who holds a license or internship must notify the board by certified letter of every change in his or her established place of business and all satellite locations within ten (10) days of any change. Failure to give notice required in this Section shall be deemed unethical conduct.

Section 4. At the time a license or internship is issued or approved, and for each renewal thereof, an identification card bearing the expiration date of the license or internship, and the name of the licensee or intern shall be issued. Said card shall be kept in the physical possession of the licensee or intern at all times during the performance of his/her duties. On the request of any client or prospective client, Board member, peace officer, or any other person and in relation to the holder's practice of fitting and dispensing hearing instruments, he/she shall permit his/her identification card to be inspected for the purpose of identification.

Section 5. By accepting or renewing a license, the licensed hearing instrument dispenser grants permission for the investigator, or other designee appointed by the board, to enter the licensee's establishment or place of business without prior notice.

ARTICLE XIII. Sale of Hearing Instruments to Children

Section 1. It shall be considered a violation of Ark. Code Ann. Section 17-84-101, et. seq., to fit a child under the age of eighteen (18) years of age with a hearing instrument for the first time unless the child has had, in the past six (6) months a medical examination by an otolaryngologist and an audiological examination by an audiologist holding the Certificate of Clinical Competence, and such examination indicates the need for a hearing instrument.

Section 2. No child under the age of eighteen (18) years who has been fitted with a hearing instrument, shall be fitted with a different hearing instrument unless a medical examination by an otolaryngologist and an audiological examination by an audiologist holding the Certificate of Clinical Competence has been performed within the past two (2) years.

ARTICLE XIV. Violation of State Hearing Instrument Law Across State Lines

Disciplinary action by a regulatory board of another state against a person licensed by this Board, may be grounds for disciplinary action against the person by the Arkansas Board of Hearing Instrument Dispensers.

ARTICLE XV. General Standards for Mobile Units

Section 1. A licensee or intern working within a "mobile unit" as defined by Act 373 of 2017 is required to comply with all Board statutes and rules, including, without limitation, Article IX and XIII herein.

Section 2. A person engaging in the practice of dispensing hearing instruments shall notify the Board by certified mail at least thirty (30) days in advance of conducting business as a mobile unit. The notification shall include:

- (a) The dates of operation of the mobile unit,
- (b) Times of operation of the mobile unit, and
- (c) Locations of operation of the mobile unit.

ARTICLE XVI Licensure by Reciprocity

Section 1. An applicant applying for reciprocal licensure shall meet the following requirements:

- (a) The applicant shall hold a substantially similar license in another United States jurisdiction.
 - (1) A license from another state is substantially similar to an Arkansas Hearing Instrument Dispenser license if the other state's licensure qualifications require or the applicant otherwise has obtained:

- (i) Two (2) or more years of college education from a regionally accredited college or university, graduation from an American Conference of Audioprosthology (ACA) Program, or a National Board for Certification in Hearing Instrument Sciences (NBCHIS) certificate; and
 - (ii) Passage of the written examination administered by the International Hearing Society.
- (2) The applicant shall hold his or her occupational licensure in good standing;
- (3) The applicant shall not have had a license revoked for:
 - (i) An act of bad faith; or
 - (ii) A violation of law, rule, or ethics;
- (4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
- (b) The applicant shall be sufficiently competent in the field of dispensing hearing instruments; and
- (c) The applicant must be at least twenty (20) years of age.

Section 2. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

- (a) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - (1) Evidence of current and active licensure in that state. The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and
 - (2) Evidence that the other state's licensure requirements match those listed in Section 1(a)(1). The Board may verify this information online or by telephone to the other state's licensing board.
- (b) To demonstrate that the applicant meets the requirements in Section 1(a)(2)--(4), the applicant shall provide the Board with:
 - (1) The names of all states in which the applicant is currently licensed or has been previously licensed; and
 - (2) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in Section 1(a)(3) and does not hold a license on suspended or probationary status as described in Section 1(a)(4). The Board may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.
- (c) As evidence that the applicant is sufficiently competent in the field of dispensing hearing instruments, an applicant shall:
 - (1) Pass the practical application examination listed in Article VII, Sections 2 and 3 and;
 - (2) Submit three (3) letters of recommendation from licensed hearing instrument dispensers in the applicant's home state attesting to the applicant's skills and competence.
- (d) The applicant shall also provide proof of completion of the education requirements referenced in Section 1 (a)(1)(i) by submitting a certified college transcript, proof of graduation from an ACA program, or certification from NBCHIS.

Section 3. Temporary and Provisional Licenses.

- (a) The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under Section 2(a)(1) and (2).
- (b) The temporary and provisional license shall be effective for ninety (90) days or until the Board makes a decision on the application, unless the Board determines that the applicant does not meet the requirements in Section 1 of this rule, in which case the provisional and temporary license shall be immediately revoked.
- (c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a

temporary and provisional license.

Section 4. Licensure for an Individual from a State that Does not License Hearing Instrument Dispensers.

- (a) An applicant from a state that does not license hearing instrument dispensers shall meet the following requirements:
- (1) The applicant shall be sufficiently competent in the field of dispensing hearing instruments;
 - (2) The applicant shall have obtained two (2) or more years of college education from a regionally accredited college or university, graduation from an American Conference of Audioprosthology Program, or a National Board for Certification in Hearing Instrument Sciences certificate; and
 - (3) The applicant must be at least twenty (20) years of age.
- (b) An applicant shall submit a fully-executed application, the required fee, and the documentation described below:
- (1) As evidence that the applicant is sufficiently competent in the field of dispensing hearing instruments, the applicant shall:
 - (i) Pass the written examination administered by the International Hearing Society;
 - (ii) Pass the practical application examination listed in Article VII, Sections 2 and 3; and
 - (iii) Submit three (3) letters of recommendation from hearing instrument dispensers in the applicant's home state attesting to the applicant's skills and competence.
 - (2) The applicant shall also provide proof of completion of the education requirements referenced in Section 1 (a)(1)(i) by submitting a certified college transcript, proof of graduation from an ACA program, or certification from NBCHIS.

ARTICLE XVII. Licensure for Active Duty Military, Returning Veterans, and Spouses.

Section 1. As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

Section 2. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:

- (a) An active duty military service member stationed in the State of Arkansas;
- (b) A returning military veteran applying for licensure within one (1) year of his or discharge from active duty; or
- (c) The spouse of a person under Article XVII Section 1 (a) or (b).

Section 3. The Board shall grant such automatic licensure upon receipt of all of the below:

- (a) Payment of the initial licensure fee;
- (b) Evidence that the individual holds a substantially equivalent license in another state; and
- (c) Evidence that the applicant is a qualified applicant under Rule XVII Section 1 (a), (b), or (c).

ARTICLE XVIII. Pre-Licensure Criminal Background Check.

Section 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.

Section 2. The individual must obtain the pre-licensure criminal background check petition form from the Board.

Section 3. The Board will respond with a decision in writing to a completed petition within a reasonable time.

Section 4. The Board's response will state the reasons for the decision.

Section 5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.

Section 6. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.

Section 7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

ARTICLE XIX. Waiver Request for Disqualifying Criminal Offenses.

Section 1. If an individual has been convicted of an offense listed in A.C.A. Section 17-2-102(a), except those permanently disqualifying offenses found in subsection (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.

Section 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.

Section 3. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

Section 4. The Board will respond with a decision in writing and will state the reasons for the decision.

Section 5. An appeal of a determination under this section will be subject to the Administrative Procedures Act Section 25-15-201 *et seq.*

Effective (Insert date here)