



State of Arkansas
BOARD OF EXAMINERS IN COUNSELING

122.00.00-001



March 9, 2000

Ms. Sharon Priest
Secretary of State
Arkansas Capitol
Little Rock, AR 72201

RECEIVED
MAR 13 2000
SHARON PRIEST
BY _____
SECRETARY OF STATE

Dear Madam:

In Compliance with The Arkansas Administrative Act, The Board of Examiners in Counseling (Agency 228) has filed revisions to the Rules and Regulations for Act 593 or 1979 and Act 244 of 1997 with the Legislative Council and with the state library. Public Hearings were held September 1999 and November 1999.

The additions are for the purpose of language and word clarification and definitions resulting from Board study of responses and requests following public hearings. The purpose is to clarify the intent of the legislation for the protection of the public.

The enclosed copies replace the Rules and Regulations approved by the Legislative Council, January 8, 1998.

Sincerely,
Arkansas Board of Examiners in Counseling

Ann K. Thomas, Pd.D., LPC, NCC
Executive Director

PC: Arnold Jochums

Enclosures

FILED
MAR 13 2000
SHARON PRIEST
BY _____
SECRETARY OF STATE



State of Arkansas
BOARD OF EXAMINERS IN COUNSELING



March 9, 2000

State of Arkansas
Legislative Council
State Capitol
Little Rock, AR 72201

Dear Council Members:

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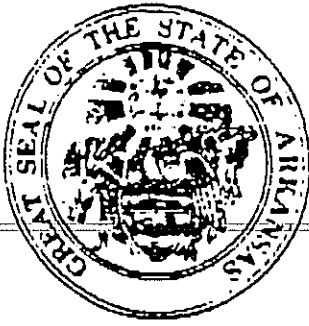
Enclosures

FILED

MAR 13 2000

SHARON PRIEST
SECRETARY OF STATE

Y



Arkansas State Library

Agency Certification Form For Depositing Final Rules and Regulations at the Arkansas State Library

Documents Services • Arkansas State Library
One Capitol Mall • Little Rock, AR 72201-1094
Telephone: (501) 682-2326 • FAX (501) 682-1532

For Office Use Only: Effective Date: _____ Classification Number: <u>122.0n.00-001</u>		
Name of Agency: <u>Arkansas Board of Professional Counseling</u> <u>Agency: 228</u>		
Contact Person: <u>Ann K. Thomas</u> Telephone: <u>870 - -</u>		
Statutory Authority for Promulgating Rules: <u>Act 593 of 1979</u> <u>(ACA Code 17-27-101 et. seq)</u>		
Title of Rule: _____		
Rule Status: <u>Revised to bring language</u> <u>to current</u> <input type="checkbox"/> New Rule/Regulation	Effective Date Status: <input type="checkbox"/> Emergency..... <input type="checkbox"/> 10 days after filing ... <input checked="" type="checkbox"/> Other <input type="checkbox"/> Repealed	Effective Date <u>immediately</u> <u>2-12-2000</u> <u>3-09-2000</u>
<input checked="" type="checkbox"/> Amended Rule/Regulation		
<input type="checkbox"/> Repealed Rule/Regulation		
<input type="checkbox"/> Order		
<input type="checkbox"/> Emergency Rule/Regulation	Adopted by State Agency <u>Sec. of State filed</u>	
<input type="checkbox"/> Rule above is proposed and will be replaced by final version.		
<input type="checkbox"/> Financial and/or Fiscal Impact Statement Attached		

Certification of Authorized Officer

I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.

Signature

Ann K. Thomas

Date

2-09-2000

Title

Executive Director

ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 026
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 3/13/06 Code Number 122.00.00--001

Name of Agency Arkansas Board of Examiners in Counseling

Department Agency 228

Contact Person Ann K. Thomas

Statutory Authority for Promulgating Rules ACA-17-101
ACA-27-203

Intended Effective Date _____ Date 9-10-99
☐ Emergency Legal Notice Published 10-26-99
☐ 10 Days After Filing Final Date for Public Comment 12-4-99
☒ Other Reviewed by Legislative Council 3-09-2000
immediately submitted to
Adopted by State Agency 2-12-2000

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Ann K. Thomas
Signature

870-901-7055
Phone Number

Executive Director
Title

3-09-2000
Date

FILED

MAR 13 2000

SHARON PRIEST
SECRETARY OF STATE

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Board of Examiners in Counseling
DIVISION Agency 228
DIVISION DIRECTOR Ann H. Thomas
CONTACT PERSON Ann H. Thomas
ADDRESS P.O. Box 70 Magnolia, AR 71755-0070
PHONE NO. 870-901-7033 FAX NO. 870-234-7842

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question completely using layman terms.
You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule?

Rules and Regulations Act 593 of 1979 ACA 17-27-001

2. What is the subject of the proposed rule?

Act 244 of 1997 ACA 17-27-10.
Correction of error page 10, delete line 4 B.1(b) even
Definition to clarify language
pages 2, 4, 6
not an
accredited
body

3. Is this rule required to comply with federal statute or regulations? Yes _____ No ✓

If yes, please provide the federal regulation and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes _____ No ✓

If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the regular provisions of the Administrative Procedure Act? Yes _____

No _____

5. Is this a new rule? Yes ☒ No ☐

Does this repeal an existing rule? Yes ☐ No ☒
If yes, please provide a copy of the repealed rule.

Is this an amendment to an existing rule? If yes, please
attach a markup showing the changes in the existing rule
and a summary of the substantive changes.

6. What state law grants the authority for this proposed rule?
If codified, please give Arkansas Code citation.

Act 593 of 1979 ACA 17-27-101 et. seq.
Act 244 of 1997 ACA 17-27-103 et. seq.

7. What is the purpose of this proposed rule? Why is it
necessary? *Clarification of language*
Correction of error

8. Will a public hearing be held on this proposed rule?
Yes ☒ No ☐ If yes, please give the date, time,
and place of the public hearing? *9-17-99 Fayetteville Hilton*
11-4-99 1:15-2:15 P.M.
1:30-3:30
Arlington Hotel

9. When does the 'public comment' period expire?
4 weeks after Nov 4, 99. Hearing.

10. What is the proposed effective date of this proposed rule?

February 2000

11. Do you expect this rule to be controversial? Yes ☐
No ☒ If yes, please explain.

12. Please give the names of persons, groups, or organizations
which you expect to comment on these rules? Please provide
their position (for or against) if known.

Arkansas Counseling Association (ACA)
Arkansas Marriage Family Therapy (AAMFT)
Both were for - all changes read
and distributed - Comment sheets
distributed.

Changes originated with requests
from both organizations and from the
PLEASE ANSWER ALL QUESTIONS COMPLETELY Bureau office.

July 28, 1995

DEPARTMENT Arkansas Board of Examiner Counseling
DIVISION Agency 228
PERSON COMPLETING THIS STATEMENT Ann H. Thomas, Executive Director
TELEPHONE NO. 870-901-7055 FAX NO. 870-234-1842

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulations ACT 593 of 1999
ACA 17-27-101 act 244 of 1997

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes _____ No ✓
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

1998-99 Fiscal Year

1999-2000 Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds ✓ _____
Special Revenue _____
Other _____
Total _____

General Revenue _____
Federal Funds _____
Cash Funds ✓ _____
Special Revenue _____
Other _____
Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

1998-99 Fiscal Year

1999-2000 Fiscal Year

0

0

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

1998-99 Fiscal Year

1999-2000 Fiscal Year

\$ 50.00 newspaper notices & copies \$ 50.00

FILED

MAR 13 2000

July 28, 1995

SHARON PRIEST
SECRETARY OF STATE

FILED

MAR 13 2000

SHARON PRIEST
SECRETARY OF STATE

**RULES AND REGULATIONS
ACT 593 AMENDED BY ACT 244 OF 1997**

Preface

The Arkansas Board of Examiners in Counseling interprets the intent of the Legislature, which passed as A.C.A. 17-27-101 through 104. (An Act to amend Arkansas Act 593 to provide for the licensure and regulation of Marriage and Family Therapists, now numbered Act 244 of 1997) and the Governor who signed it into law to be for the protection of the public welfare and in the public interest.

Therefore, the Board of Examiners in Counseling shall in all its deliberations and all its adopted rules and regulations diligently pursue goals most consistent with the public interest, and shall, at all times, apply the provisions of A.C.A 17-27-101, et seq. and the rules and regulations adopted from time to time in a fair and impartial manner.

1. GENERAL INFORMATION

1.1 Description of Organization

The Arkansas Board of Examiners in Counseling is composed of nine (9) members appointed by the Governor to staggered terms of three years. The composition of the Board shall include six (6) licensed or licensable counselors, (three practicing counselors, three counselor educators or supervisors, (one of which shall also be a licensed marriage and family therapist, if available), and one (1) non-licensed individual who represents the general public. The seven are recommended to the governor by November 1 each year by the Executive Committee of the Arkansas Counseling Association (ArCA). One (1) licensed marriage and family therapist shall be recommended to the governor by the Board of Directors of the Arkansas Association for Marriage and Family Therapists (ArAMFT). One (1) non-licensed member shall represent the over sixty populations and is selected by the governor from the general population.

Practicing counselors are defined, by the American Counseling Association, as individuals who apply mental health, psychological, or human development principles, through cognitive, affective, behavioral or systemic intervention strategies, that address wellness, personal growth, or career development, as well as pathology.

Counselor educators are defined, in accordance with the American Counseling Association's (ACA) 1995 Code of Ethics and Standards of Practice, as counselors who are responsible for developing, implementing, and supervising educational programs and are skilled as teachers and practitioners. They are knowledgeable regarding the ethical, legal, and regulatory aspects of the profession, are skilled in applying that knowledge, and make students and supervisees aware of their responsibilities. Counselors conduct counselor education and training programs in an ethical manner and serve as role models for professional behavior.

Individuals who develop, implement/conduct and supervise comprehensive education and training programs for counseling trainees in a knowledgeable, skillful and ethical manner, and serve as culturally-aware role models for professional behavior. Professionals at the degree level of Ed.D. or Ph.D. in counseling, psychology, or closely related field level of education who infuse material related to human diversity into all courses and/or workshops that are designed to promote the development of professional counselors. Counselor educators are individuals whose primary profession is as a counselor educator, employed at least half time in an Arkansas institution of higher education or who is a counselor educator retired from in a higher education institution in Arkansas. Adjunct lecturers in higher education who teach counseling courses are considered practicing counselors by profession and teach part time for various reasons at universities. They are eligible for board service under the practicing counselor category. Section 4 of Act 593 of 1979 and Section 3c,d of Act 244 of 1997 mandate the American Counseling Association Code of Ethics be adopted for Board use.

Supervisors are defined as individuals who hold a state appointment as a Supervisor in the State Department of Education for the purpose of promoting the development of professional counselors in the public schools and hold the EdD or the PhD level of education in counseling or related field. The intent of Act 593 of 1979 was to recognize the State Supervisors of public school counselors as equal to Counselor Educators in Higher Education as persons responsible for programs and training. The amendments of Act 244 of 1997 did not address nor change the intent of the Act 593 of 1979.

Licensed or Licensable persons are defined as persons who hold the license and are in good standing with the Board and persons who have filed an application and are in the process of becoming licensed. The individuals in process but fail the examinations or fingerprint check are not considered licensable.

1.2 Vacancies

(a) Expired Terms. No later than November 1, of each year, the Executive Committee of the Arkansas Counseling Association (ArCA) and the Board of Directors of the Arkansas Association for Marriage and Family Therapy (ArAMFT), as appropriate, shall submit a list of names of qualified candidates to fill expired terms. The Governor will make the appointments from this list, prior to January 2 each year.

(b) Unexpired Terms. Any unexpired terms shall be filled by appointment of the Governor from a list of candidates, submitted within thirty days of such vacancy, by the Executive Committee of the Arkansas Counseling Association or the Board of Directors of the Arkansas Association for Marriage and Family Therapists, as appropriate.

1.3 Professional Ethics

The Board of Examiners in Counseling has adopted the Code of Ethics of the American Counseling Association for all Licensed Associate Counselors and Licensed Professional Counselors. See appendix A. The Board of Examiners in Counseling has adopted the Code of Ethics of the American Association for Marriage and Family Therapists for all Licensed Associate Marriage and Family Therapists and Licensed Marriage and Family Therapists.

Persons holding a counseling specialization or a dual license are accountable to the ethical standards of each specialization or license held, whichever standard is the more stringent.

All persons licensed by the Board are prohibited from sexual contact with clients and

former clients for a period of two (2) years subsequent to termination of the counselor-client relationship, or for a period of time specified within the code of ethics, if it exceeds two years.

1.4 Purpose of Organization

~~Law charges the Board with the responsibility for the regulation of the titles and the~~
practices of counseling and marriage and family therapy in the State of Arkansas. This includes examining the qualifications of the applicants and approving each for licensing, as well as revoking, suspending, and renewing licenses.

1.5 Organization of the Board

The Board will meet to organize within 30 days following January 2 of each year. The Board shall elect a chair and a secretary and such other officers, as it deems necessary from its members to serve for terms of one year. The Board shall hold at least one (1) meeting each year and five (5) members shall at all times constitute a quorum. Additional meetings may be held at the discretion of the chair or upon written request of any three (3) members of the Board.

1.6 Meetings

Meetings of the Board, formal or informal, shall be open to the public. Dates, times, and places of meetings shall be furnished to anyone requesting the information and made available to the press in compliance with A.C.A. 25-19-101 et seq. (**Freedom of Information Act 93 of 1967**).

1.7 Records

Records of the Board shall be kept, maintained, and made available for inspection in accordance with A.C.A. 25-19-101 et seq.

1.8 Finances

The Board shall set licensing fees and no part of any fee shall be refundable under any conditions other than failure of the Board to hold examinations at the time originally announced. All fees collected shall be held in an Arkansas Bank, chosen by the Board, with funds being disbursed in accordance with current standard state accounting procedures. In addition to fees collected the Board is empowered to accept grants from foundations and institutions to carry out its function. The Board may hire such personnel as necessary to carry out its activities. The Chairperson, the Executive Director, or other Board member shall be bonded to handle finances of the Board in compliance with state regulations.

1.9 Forms and Instructions

All forms and instructions included in the application process will be considered part of the rules and regulation of the Board.

1.10 Intent of the Act

It is intended that the provisions of A.C.A. 17-27-101 et seq. be in accordance and consistent with other licensing laws.

2A. DEFINITIONS AND CLARIFICATION OF TERMS FOR LICENSED COUNSELORS

2A.1 Definition of the Practice of Counseling

(a) Unless specifically exempt by Section 15 and 18 of A.C.A. 17-24-101 et seq., no person shall engage in the practice of counseling in the State of Arkansas without a valid license issued by the Arkansas Board of Examiners in Counseling.

(b) The practice of counseling shall mean the following:

2A.2 Principles, Methods, and Procedures of Counseling

These terms are descriptive rather than limiting and include those techniques, which are utilized in evaluating and/or changing behavior; *evaluating, diagnosing, and treating mental disorders in accordance with the diagnostic and statistical manual of the American Psychiatric Association.*

2A.3 For Such Purposes

This phrase is descriptive rather than limiting and includes such activities as follows, plus, other forms of counseling and consultative approaches.

(a) Counseling/psychotherapy means assisting individuals or groups, through the counseling relationship, to develop understanding of personal problems, define goals, and plan action reflecting interests, abilities, aptitudes, and needs.

(b) Appraisal activities means selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, personal characteristics and interests, but shall not include the use of projective techniques for personality assessment unless specifically qualified to do so under another license. Documentation of all training for appraisal activities and Board approval for those activities is required for protection of the public. Appraisal Specialization License (Section 4,6) is required if appraising for placement of children in special programs, in institutions, etc. and if appraisals are under contracts with public schools and the Arkansas Department of Human Services. Licensed professionals who conduct such activities must meet the minimum standards of The National Association of School Psychologist (NASP) and so document. This has been the interpretation and practice of the Board since 1979 and has not changed with the amendments in Act 244 of 1997.

(c) Consulting means interpreting or reporting scientific fact or theory to provide assistance in solving current or potential problems of individuals, groups, or organizations.

(d) Referral activities mean the evaluating of data to identify problems and to determine the advisability of referral to other specialists.

(e) Research activities means reporting, designing, conducting, or consulting on research in counseling with human subjects.

Terms A through E are descriptive rather than limiting and include those techniques which are utilized in evaluating, diagnosing and treating mental disorders in accordance with the diagnostic and statistical manual of the American Psychiatric Association.

2A.4 Categories of Counselor Licensure

(a) Licensed Professional Counselor shall mean any person holding himself/herself out to the public by any title or description of services incorporating the words Licensed Professional Counselor, ~~who meets the requirements set forth in Section 3A.2 of the Rules and Regulations of the Arkansas Board of Examiners in Counseling; and who offers to render counseling services to individuals, groups, organization, corporations, institutions, government agencies, or to the general public for monetary remuneration or who otherwise implies licensure, training, experience, and/or expertise in counseling and who holds a current valid license to practice counseling/psychotherapy, with the exceptions of those professions listed in Section 15 and 18 of Arkansas Counseling Association 17-24-101~~ et seq.

(b) Licensed Associate Counselor shall mean any person holding himself/herself out to the public by any title or description of services incorporating the words Licensed Associate Counselor, who meets the requirements set forth in Section 3A.1 of the Rules and Regulations of the Arkansas Board of Examiners in Counseling; and who offers to render counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for monetary remuneration otherwise implying licensure, training, experience, and/or expertise in counseling, and who holds a current, valid license to practice counseling under the supervision of a duly Licensed Professional Counselor. Nothing in this definition shall be construed to include those professionals excluded by Section 15 and 18 of A.C.A. 17-24-101 et seq.

2A.5 Qualified Supervision

(a) This phrase means supervision by a Licensed Professional Counselor who is a practitioner by profession, holds the specialization in supervision, whose license is valid (i.e., not suspended due to delinquent registration) and who is otherwise in good standing. Specialization in Supervision is defined by the Association for Counselor Education and Supervision Standards for Counseling Supervisors as adopted by the American Counseling Association and the American Association of State Counseling Boards. These are practicing counselors who offer clinical supervision services on- site and are adequately prepared in supervision methods and techniques to supervise Associate Counselors for their training and for the protection of clients.

(b) All Licensed Associate Counselors must have a Board-approved supervision agreement prior to providing any counseling services (See Section 9, A.C.A. 17-24-101 et seq.). The Licensed Associate Counselor must notify the Board immediately and in writing of any proposed change in supervisors. The Licensed Associate Counselor must obtain Board approval of any change in supervisors. Failure to maintain an approved current supervision agreement will result in license suspension or revocation.

(c) Supervision acceptable to the Board shall mean supervision by a Licensed Professional Counselor with supervision specialization, arranged by the candidate and approved in writing by the Board.

2A.6 Privileged communication

This phrase shall mean any communication between client and counselor given in confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in the furtherance of the rendition of professional services to the client.

(a) All such communications shall be subject to Rule 502 Lawyer-Client Privilege, Article 5 of the Uniform Rules of Evidence, as recorded in Court's volume, Arkansas Code of 1987 Annotated.

~~(b) In accordance with A.C.A. 25-19-101 et seq., Section 4, examination and copying of public records, client records "such as state income tax returns, medical records, scholastic records, adoption records, and other similar records which by law are required to be closed to the public shall not be deemed to be made open to the public." See A.C.A. 25-19-101 et seq., as recorded in the 1968 replacement, Arkansas Statutes, 1947, Annotated, volume 2A, Section 12-2804, Page 284.~~

2A.7 A Major under the Laws of Arkansas

A major is anyone who can legally enter into a contractual relationship as defined by the laws of the state of Arkansas (18 years of age).

2A.8 Statement of Professional Intent

This refers to a typed statement from the applicant for Licensure, on file with the Board, describing the intended use of the license, the public with whom the applicant will work, and the counseling/psychotherapy and appraisal approaches the applicant plans to use (including techniques and tools).

2A.9 Relevant Professional or Continued Education Experience

This phrase shall mean documented training, workshops, institutes, seminars, etc., primarily counseling in content and described in Section 2A.3 above. The Board must approve Professional and continuing education workshops.

2B. DEFINITIONS AND CLARIFICATION OF TERMS FOR LICENSED MARRIAGE & FAMILY THERAPISTS

2B.1 Definition of the Practice of Marriage and Family Therapy (MFT)

(a) Unless specifically exempt by Section 15 and 18 of A.C.A. 17-24-107 et. seq., no person shall present him/herself as a licensed marriage and family therapist engaging in the practice of marriage and family therapy in the state of Arkansas without a valid license issued by the Arkansas Board of Examiners in Counseling.

(b) The practice of marriage and family therapy shall mean the following:

2B.2 Principles, Methods, and Procedures of Marriage and Family Therapy

These terms are descriptive rather than limiting and include those techniques that are utilized in evaluating and/or changing behavior; *evaluating, diagnosing, and treating mental disorders in accordance with the diagnostic and statistical manual of the American Psychiatric Association.*

2B.3 For Such Purposes

This phrase is descriptive rather than limiting and includes such activities as follows,

plus, other forms of MFT consultative approaches.

(a) Marriage and family therapy means the use of scientific and applied marriage and family theories, methods and procedures for the purpose of describing, evaluating and modifying marital, family and individual behavior within the context of marital and family systems, including the context of marital formation and dissolution; Marriage and family therapy is based on systems theories, marriage and family development, normal and dysfunctional behavior, human sexuality and psychotherapeutic, marital and family therapy theories, and techniques in the evaluation, assessment and treatment of interpersonal or intrapersonal dysfunction within the context of marriage and family systems. Marriage and family therapy may also include clinical research into more effective methods for the treatment and prevention of the above-named conditions. Nothing in this definition or in this chapter shall be construed as precluding licensed professional counselors or licensed associate counselors from rendering these services.

2B.4 Categories of Marriage and Family Therapist Licensure

(a) Licensed Marriage and Family Therapist means any person who:

(i) Holds himself or herself out to the public by any title or description of services incorporating the words licensed marriage and family therapist, who meets the requirements set forth in Section 3B.2 of the Rules and Regulations of the Arkansas Board of Examiners in Counseling.

(ii) Offers to render marriage and family therapy services to individuals, groups, couples, families, organizations, corporations, institutions, government agencies, or the general public for monetary remuneration or otherwise implying that he or she is licensed, trained, experienced, or expert in marriage and family therapy.

(iii) Holds a current, valid license to practice marriage and family therapy. Nothing in this definition shall be construed to include those professions excluded by Arkansas Act 244 (17-27-103).

(b) Licensed Associate Marriage and Family Therapist means any person who:

(i) Holds himself or herself out to the public by any title or description of services incorporating the words licensed associate marriage and family therapist, who meets the requirements set forth in Section 3B.1 of the Rules and Regulations of the Arkansas Board of Examiners in Counseling.

(ii) Offers to render marriage and family therapy services to individuals, couples and families, singularly or in groups for monetary remuneration; and

(iii) Holds a current, valid license to practice marriage and family therapy services under the supervision of a licensed marriage and family therapist. Nothing in this definition shall be construed to include those professions excluded by Arkansas Act 244 (17-27-103).

2B.5 Qualified Supervision

(a) This phrase means supervision by a practitioner who is a Licensed Marriage and Family Therapist and holds approved supervisor status from the Board (The American Association for Marriage and Family Therapists Clinical Supervision or equivalent qualifications adopted by the Board must be submitted to obtain supervision status approval) and whose license is valid (i.e. not suspended due to delinquent registration) and who is otherwise in good standing. The Standards for Approved Supervisors of the American Association for Marriage and Family

Therapists are adopted by the Board as the standards to ensure the preparation in methods and techniques for practicing counselors who offer clinical supervision services to Associate Marriage and Family

~~Therapists for the training of the associate therapist and the protection of the client.~~

(b) All Licensed Associate Marriage and Family Therapists must have a Board-approved supervision agreement prior to providing any therapy services (See Section 9, A.C.A. 17-27-305 et seq.). The Licensed Associate Marriage and Family Therapists must notify the Board immediately and in writing of any proposed change in supervisors. The Licensed Associate Marriage and Family Therapists must obtain Board approval of any change in supervisors. Failure to maintain an approved current supervision agreement will result in license suspension or revocation.

(c) Supervision acceptable to the Board shall mean supervision by a Licensed Marriage and Family Therapist with supervision specialization, arranged by the candidate and approved in writing by the Board.

2B.6 Privileged Communication

This phrase shall mean any communication between client and therapist given in confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in the furtherance of the rendition of professional services to the client.

(a) All such communications shall be subject to Rule 502 Lawyer-Client Privilege, Article 5 of the Uniform Rules of Evidence, as recorded in Court's Volume, Arkansas Code of 1987 Annotated.

(b) In accordance with A.C.A. 25-19-101 et seq., Section 4, examination and copying of public records, client records "such as state income tax returns, medical records, scholastic records, adoption records, and other similar records which by law are required to be closed to the public shall not be deemed to be made open to the public." See A.C.A. 25-19-101 et seq., as recorded in the 1968 Replacement, Arkansas Statutes, 1947, Annotated, Volume 2A, Section 12-2804, Page 284.

2B.7 A Major Under the Laws of Arkansas

A major is anyone who can legally enter into a contractual relationship as defined by the laws of the state of Arkansas (18 years of age).

2B.8 Statement of Professional Intent

This refers to a typed statement from the applicant for licensure, on file with the Board, describing the intended use of the license, the public with whom the applicant will work, and the therapy approaches the applicant plans to use (including techniques and tools).

2B.9 Relevant Professional or Continued Education Experience

This phrase shall mean documented training, workshops, institutes, seminars, etc., primarily marriage and family therapy in content and described in Section 2B.3 above. The Board must approve Professional and continuing education workshops.

3. EXEMPTIONS

~~Clergy -- Clarification of 17-27-103 Exemptions (b)(3)~~

3.1 Definition

Clergy appointed and/or endorsed to practice pastoral counseling as long as they are operating in a role within the congregation or synagogue or ministry assignment (such as Pastor, Associate Minister, Staff member, Institutional Chaplain, etc.) and are serving members of that assignment be exempt from licensure requirements. The same status should be granted to an institutional chaplain (military, hospital, industrial). Any minister, clergy or pastoral counselor who has a private practice, offers services to persons outside membership of their assignment or accepts fees, (from any source, such as third party payments, clients, donations, etc.), or from people outside their congregations, church, synagogue, or immediate work (such as chaplaincy) or offers counseling services to the public, will be licensed. This includes part-time, private practice provided in addition to or beyond the documented assigned, ministry work as pastor, chaplain, etc.

3.2 Qualifications

Clergy who are credentialed as member, fellow, or diplomate by the American Association of Pastoral Counselors (AAPC) or other Board-approved credentialing organizations will be accepted as meeting the Board definition of equivalent training for Licensed Associate or Professional Counselor/Therapist.

Upon completion of the application process, providing a passing score on one of the written examinations (National Counseling Examination, Marriage and Family Therapy Examination, Pastoral Counselor Examination or equivalent), passing the situational and oral exams, clergy applicants with appropriate documented experience will be granted the Licensed Counselor/Therapist license with the specialty license as pastoral counselor/therapist.

4A. QUALIFICATIONS FOR COUNSELING LICENSE

4A.1 Licensed Associate Counselor

- (a) Must be a major.
- (b) Must have received a graduate degree that is primarily professional counseling in content from a regionally accredited institution. The graduate semester hours must meet the national academic and training content standards adopted by the Board and the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or equivalent.
- (c) Must demonstrate professional competencies by passing written, oral, and situational examinations as prescribed by the Board.
- (d) Must arrange supervision with a Board-approved LAC supervisor and have same approved in writing by the Board.
- (e) Must have clear criminal background check (Act 1317 of 1997)
- (f) Must be a citizen of the U.S. or have an immigration (green card) document verifying

legal alien work permit in the U.S.

4A.2 Licensed Professional Counselor

(a) All of the above, plus:

~~(b) Must provide evidence of three years of supervised full-time experience in~~
professional counseling beyond the Master's Degree acceptable to the Board. One year of experience may be gained for each 30-semester hours of graduate work beyond the Master's level, provided the hours are clearly counseling in nature and acceptable to the Board. Hours earned may be substituted for no more than 2 years of supervised professional experience. The Board of Examiners in Counseling does not have the power to waive any required period of supervised experience.

4A.3 Evaluation of Areas of Specialization

The Board, as specified in the statement of professional intent, shall evaluate areas of specialization. The Board will use the national standards for the preparation of counselors, prepared by the specific professional association, as a guide in establishing the standards for counseling; i.e., Rehabilitation Counseling, Pastoral Counseling, Career Counseling, School Counseling, Clinical Mental Health Counseling/Psychotherapy, Geriatric Counseling, Counseling Supervision, School Psychologist, Drug & Alcohol, Addictions, Appraisal or other specified counseling areas.

4B QUALIFICATIONS FOR MARRIAGE AND FA0000MILY THERAPY LICENSE

4B.1 Licensed Associate Marriage and Family Therapist

(a) Must be a major

(b) Must have received a graduate degree in marriage and family therapy or related field from a regionally accredited institution. The graduate semester hours must meet the national academic and training content standards adopted by the Board from the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or the Council for Accreditation Counselor Related Education Programs (CACREP) or equivalent.

(c) Must demonstrate professional competencies by passing written, oral, and situational examinations prescribed by the Board.

(d) Must arrange supervision with a Board-approved Licensed Associate Marriage and Family Therapist supervisor and have same approved in writing by the Board

(e) Must have met the Criminal Background Check mandated by Act 1317 of 1997.

(f) Must be a citizen of the U.S. or document (green card) legal work status in the U.S from the Immigration Bureau.

4B.2 Licensed Marriage and Family Therapist

(a) All of the above, plus:

(b) Must provide evidence of three years of supervised full-time experience in marriage and family therapy beyond the Master's Degree acceptable to the Board. One year of experience may be gained for each 30 semester hours of graduate work beyond the Master's level, provided the hours are clearly marriage and family therapy in nature and acceptable to the Board. Hours earned may be substituted for no more than two years of supervised professional experience.

The Board of Examiners in Counseling does not have the power to waive any required period of supervised experience.

5. HOW TO OBTAIN A LICENSE: APPLICATION

5.1 Application

Application, inquiries, and forms are to be obtained from and returned to the Administrative Office of the Board.

5.2 Statement of Professional Intent

The Board will require a statement of professional intent. The statement must be a typed statement, from the applicant, describing intended use of the license, the publics with whom the applicant will work and the counseling and/or marriage and family therapy approaches the applicant will use. Appraisal tools and/or techniques must be included.

5.3 Transcripts

The applicant must have OFFICIAL TRANSCRIPTS sent from institutions where credit was earned. If the transcript course titles are ambiguous or do not adequately convey the pertinent content of the course, clarifying documents may be requested. Course grades of C or below will not be accepted.

5.4 Supervised Counseling/Marriage and Family Therapy

The applicant will submit a record of post-Master's counseling and/or marriage and family therapy related work experience for Board approval. The approved experience will determine the applicants license (Associate or Licensed) level.

5.5 References

The applicant will submit a minimum of three references on Board approved forms. Current members of the Board or relatives of applicants may not submit references.

- (a) Two (2) from persons in related professional areas.
- (b) One (1) non-academic character reference.

5.7 Examination

An applicant must successfully pass written, oral, and situational examinations.

5.8 Board Decisions

An affirmative vote of a majority of those Board members present and voting will be held as evidence that the applicant has qualified for the next steps in the procedure:

- (a) Admission to the written examination.
- (b) Acceptance of the situational examination.
- (b) Admission to oral examination.
- (c) Granting of the Associate or Professional License as determined by the documented

Post-masters work experience.

6. PRACTICE WITHOUT LICENSE PROHIBITED

6.1 Rule of Procedure

When the Board is made aware of a violation, or possible violation, of section 15 of A.C.A. 17-27-101 et seq., a certified or registered letter with return receipt, showing delivery to addressee only, shall be mailed to the last known address of the person in question. The letter will direct attention to pertinent aspects of the law and the rules and regulations of the law. If this does not induce said person to cease violation and to desist from practicing, holding himself/herself out to practice, and/or from practicing, holding himself/herself out to practice, and/or use of title, in violation, the information shall be forwarded to the appropriate law enforcement authorities in accordance with the Administrative Procedure Act 434. This violation will be deemed a Class "A" Misdemeanor. The violator upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1,000) and the violator may be imprisoned for a term not exceeding one (1) year. Each violation and conviction shall be deemed a separate offense.

7. EXAMINATION OF APPLICANTS

7.1 Scheduling Examinations

An applicant, whose credentials meet the requirements of Section 8 of A.C.A. 17-27-101 et seq., will be scheduled for written, oral and situational examinations.

7.2 Written Examination

The Board will adopt a prepared standardized test covering the specialized knowledge common to each license. The Board may contract with test design specialists to prepare and provide materials for such testing and to revise the examination as deemed necessary. Subtests in specialty skill areas may be a part of the updating. A score determined by the Board to be at a satisfactory level will qualify the applicant for the oral and situational examinations.

7.3 Oral and Situational Examination

(a) Oral exam - An oral examination will be conducted upon receipt by the Board of a passing score on the written examination and Board evaluation of other screening documents and credentials. The oral examination will include a review of the statement of intent from the applicant as well as questions from the Board relative to the profession of counseling/therapy.

(b) Situational exam - A situational demonstration of counseling or marriage and family therapy skills will be requested by the Board in the form of a video tape. A consent and release statement signed by each participant must accompany such recordings. The Board may utilize Licensed Marriage and Family Therapists or Licensed Professional Counselors, who have specialized knowledge common to the license being sought, to review and advise regarding the video tape. At least one reviewer will have specialized knowledge appropriate to the tape under review.

(c) Unresolved Questions - Should the Board have questions of competence it may require any one or all of the following:

1. Additional academic work
- ~~2. Additional supervised experience~~
3. Additional references or recommendations
4. Clarification of Statement of Intent.
5. Other evidence deemed necessary to satisfy the Board as to the qualifications and/or fitness and competence of the applicant to practice as a counselor/therapist.

7.4 Denial of License

If the Board votes to deny the license, the applicant will be so notified by certified mail. Specific reasons for denial will be stated.

7.5 Examination Fee

An examination fee will be set annually based on a cost estimate for the processing and conducting of all examinations, written, oral, and situational.

8. RENEWAL

8.1 Expiration

All licenses expire biennially (Section 12, A.C.A. 17-27-101 et. seq.) and on June 30 of the renewal year.

8.2 Fees

The biennial license renewal fee is due and payable by June 30 of the renewal year. Checks should be made payable to the Arkansas Board of Examiners in Counseling. The Board will establish and determine appropriate fees and adjust according to operational expenses.

8.3 Continued Education

No license will be renewed without evidence of satisfactory completion of a minimum of 24 contact hours of continued professional education and/or training in the 24 months prior to renewal and evidence of same on file with the Board. Continued education is defined in Section 2A.9 and 2B.9 of the Rules and Regulations. Failure to document satisfactory Continued Education will result in suspension as described in Section 8.3

8.4 Renewal Notice

Notices of renewal will be mailed by the Secretary of the Board, on or about, April 1 of the renewal year. Accompanying these notices will be forms for the licensee to use for the documentation of Continued Education and other related professional activities. Completion of such documentation by the licensee is a mandate of the law for renewal.

8.5 Deadline

By June 1 of the renewal year, documents verifying additional qualifications earned or changes in status must be on file with the Secretary of the Board.

8.6 Failure to Pay Fee

Failure to pay the biennial fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent. Such lapsed license may be renewed within a period of one (1) year by payment of all fees in arrears. Failure to pay fees and renew license within one year will necessitate applying for the license as a new applicant. The Board may require an appearance before the Board to explain the failure to meet renewal deadlines.

9. SUSPENSION OR REVOCATION AND DENIAL OF RENEWAL OF LICENSE: POWER TO PETITION FOR INJUNCTIONS

9.1 Reasons

In accordance with A.C.A. 25-15-201 et. seq. Administration Procedures Act 434 of 1967, and subsequent revisions of that Act, the Board will suspend, revoke, or deny renewal of any license if the Board finds that the holder thereof:

- (a) Has been found guilty of violating any ethical or professional standard (section 17, A.C.A. 17-24-101 et. seq.) under which the license holder practices.
- (b) Has not paid biennial renewal fee within the time stated.
- (c) Has not satisfied the Board, by June 30 of the renewal year, with evidence of the completion of relevant professional or continued education experience (Section 12, A.C.A. 17-24-101 et seq.)
- (d) Has been found to be incompetent, has misused the license, or has been negligent in the rendering of counseling services as defined in Section 2 of the Board's Rules and Regulations.
- (e) Has been convicted of a felony.
- (f) Has failed to follow any special directions of the Board.
- (g) Has had one's professional license/certificate revoked.
- (h) Has failed to meet requirements of the Criminal Background Check. (Act 1317 of 1997)

9.2 Board Error

If the Board finds that it has erred in the granting of a license, the Board will give written notice of intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days.

9.3 Period of Suspension

A period of suspension shall not exceed six (6) months. During the period of suspension, the licensee shall not practice counseling/therapy in the state of Arkansas. At the conclusion of the period of suspension, an individual may petition the Board for reinstatement. Failure to meet any requirements of the Board during the period of suspension may result in revocation of the license.

9.4 Power to Petition for Injunction

The Board, or any member thereof, or any citizen of the state of Arkansas, may petition for court proceedings to prohibit the unlawful practice of counseling/therapy and/or false representation as a licensed counselor/therapist.

9.5 Adjudication

Any applicant or licensee who has been aggrieved by an action of the Board shall be entitled to the provisions under A.C.A. 25-15-201 et seq.

10. LICENSING UNDER SPECIAL CONDITIONS: RECIPROCITY AND/OR ENDORSEMENT

10.1 Reciprocity and/or Endorsement

(a) If a candidate is licensed or certified to practice counseling and/or marriage and family therapy by a similar Board in another state, the Arkansas Board may, at its discretion, waive the written examination requirements of a candidate if the candidate had an equivalent written examination in the process of obtaining the license in another state and has been continuously

licensed. If the previous license has expired or lapsed the examination may not be waived he applicant has written the examination, but did not complete the licensure process the written examination of record may not be more than five (5) years old.

(b) Section 9.2 holds provided the Arkansas Board accepts the standards and qualifications required for the practice of counseling and/or marriage and family therapy in the candidate's licensing state as equal to those required by A.C.A. 17-27-101 et seq.

(c) The Arkansas Board shall maintain a file of the standards and qualifications for the regulation of the practice of counseling and/or marriage and family therapy that are required by similar Boards in other states.

10.2 Waiver of Examination

The Board has the power to waive formal examination requirements only and does not have the power to waive any required period of supervision as provided in A.C.A. 17-24-101 et seq.

11. GRANDPARENTING

2.1. A.C.A. 17-27-303 Qualifications of Licensed Marriage and Family Therapists before January 1, 1998.

2.2. Application Rules and Procedures:

The Board shall issue a Marriage and Family Therapist license to each applicant who files an application in such manner as the Board prescribes, accompanied by a fee as set by the Board, and who furnishes satisfactory evidence of the following to the Board:

1. The applicant is not a minor under the laws of Arkansas.
2. The applicant is highly regarded in personal character and professional ethics.
3. The applicant is not in violation of any of the provisions of this chapter and the rules and regulations adopted hereunder.
4. The applicant has received a graduate degree in either marriage and family therapy, or a related field with specific course work in marriage and family therapy as approved by the Board.
5. The applicant has met the requirements of Criminal Background Check under Act 1317 of 1997.

The Board will accept a master's degree in marriage and family therapy, mental health, behavioral science or counseling related fields, with at least 36 hours of graduate credit from a regionally accredited college or university. Training must include course work or 50 continuing education hours in each of the following:

- a. Theoretical foundations of Marital and Family Therapy Systems
- b. Assessment and Treatment in Marital and Family Therapy.

AND

TRACK 1: The applicant has active clinical membership in the American Association of Marriage and Family Therapy.

OR

TRACK 2: The applicant has active certification in the National Academy of Certified Family Therapists (NACFT). Certification under NACFT Options 1,2,and 3 allows the application to be processed for Licensed Marriage and Family Therapist. Certification under NACFT Options 4 and 5 allow the application to be processed for the Licensed Associate Marriage and Family Therapist. Section 4 A.C.A. 17-27-301(5) & 17-27-302(a)

OR

TRACK 3: The applicant has met certification/licensure by an appropriate professional organization as defined by the Board.

OR

TRACK 4: The applicant has five years, post-masters, Board approved clinical experience in marriage and family therapy. The applicant must have documentation, acceptable to the Board, of the experience by two licensed professionals.