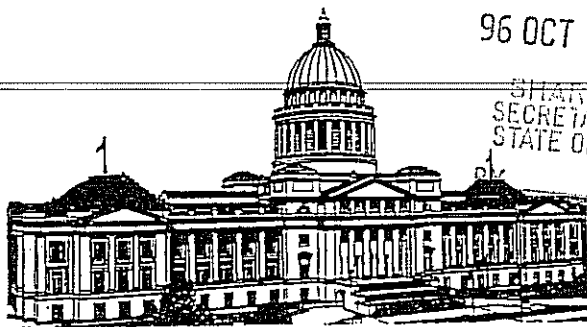


ARKANSAS REGISTER

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Transmittal Sheet



SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 10/11/96 Code Number 122.00.96--001

Name of Agency Arkansas Board of Examiners in Counseling

Department _____

Contact Person Dr. Ann K. Thomas Phone (501)235-4314

Statutory Authority for Promulgating Rules Act 593 of 1979 (A.C.A. 17-27-101)

	Date
Intended Effective Date _____	Legal Notice Published _____
<input checked="" type="checkbox"/> Emergency	Final Date for Public Comment _____
<input type="checkbox"/> 10 Days After Filing	Filed With Legislative Council _____
<input type="checkbox"/> Other	Reviewed by Legislative Council _____
_____	Adopted by State Agency _____

CERTIFICATION OF AUTHORIZED OFFICER

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

Donald R. Ryce
Signature

(501) 575-2207
Phone Number

Board Chair
Title

10-11-96
Date

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SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY _____

EMERGENCY RULE

RULE REGULATING THE PRACTICE OF COUNSELING

Whereas, the Board of Examiners in Counseling has attempted to revise its rules to reflect important changes in the practice of counseling; and,

Whereas, the Board has prepared amendments to the Rules and Regulations previously filed in 1981; and,

Whereas, the Board conducted a hearing on the proposed amendments to the Rules and Regulations in November, 1991 in Hot Springs, Arkansas, which hearing was properly advertised in a statewide newspaper; and,

Whereas, the Board adopted the amended rule at a regular meeting in 1991; and,

Whereas, the Board has acted under the understanding that the rules had been previously filed; and,

Whereas, the Amended Rule is not on file with the Secretary of State, and thus may not be enforceable.

Therefore, the Board finds an emergency to exist which imperils the public health, safety, and welfare and which justifies adopting the Amended Rule on an Emergency Basis.

The Board adopts the attached amended Rules and Regulations which will be effective upon the date it is filed with the proper officials.

ARKANSAS BOARD OF EXAMINERS IN COUNSELING

BY: _____

DATE: _____

Donald R. Rye
10-11-96

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ARKANSAS BOARD OF EXAMINERS IN COUNSELING

RULES and REGULATIONS

SHARON FRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY _____

PREFACE

The Arkansas Board of Examiners in Counseling interprets the intent of the Legislature, which passed as A.C.A. 17-27-101 et seq. (an act to provide for Regulation of the Practice of Counseling, Act 593, etc.) and the Governor who signed it into law, to be 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, by law, of seven (7) members appointed by the Governor to staggered terms of three (3) years. The composition of the Board shall include six (6) licensed or licensable counselors, (three (3) practicing counselors, and three (3) counselor educators or supervisors). The remaining member shall be from the general public. Appointments are made from a list of qualified candidates submitted to the Governor by the **Arkansas Counseling Association** no later than November 1 of each year (A.C.A. 17-27-101 et seq., Section 5C).

1.2 Vacancies

(a) Expired Terms. No later than November 1, of each year, the Executive Committee Board of Directors of the **Arkansas Counseling Association** shall submit the 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 (30) days of such vacancy, by the **Board of Directors** of the **Arkansas Counseling Association**. The appointments shall be made within thirty (30) days after the candidates names have been submitted.

1.3 Professional Ethics

The Board of Examiners in Counseling has adopted the Code of Ethics of the American Counseling Association. (SEE APPENDIX A)

Persons holding a counseling specialization are accountable to the ethical standards of the American Counseling Association and the ethical standards of their specializations.

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.

1.4 Purpose of Organization

The Board is charged by law with the responsibility for the regulation of the practice of counseling 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.

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The Board will meet to organize within thirty (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 (1) 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 the A.C.A. 25-19-101 et seq. (Freedom of Information Act 93 or 1967).

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

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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 functions. 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.

2. DEFINITIONS AND CLARIFICATION OF TERMS

2.1 Definition of the Practice of Counseling

(a) Unless specifically exempt by Section 15 and 18 of **A.C.A. 17-27-101 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:

2.2 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.

2.3 For Such Purposes

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

(a) Counseling 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.

(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 means 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.

2.4 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 3.2 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, with the exceptions of those professions listed in Section 15 and 18 of **Arkansas Counseling Association A17-27-101 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 3.1 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 the definition shall be construed to include those professions excluded by Section 15 and 18 of **A.C.A. 17-27-101 et seq.**

2.5 Qualified Supervision

(a) This phrase means supervision by a Licensed Professional Counselor **who holds a specialization in supervision** and 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 Standards for Counseling Supervisors as adopted by**

the American Counseling Association and the American Association of State Counseling Boards.

~~(b) All Licensed Associate Counselors must have a Board-approved supervision agreement prior to providing any counseling services (See Section 9, A.C.A. 17-27-101 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 active supervision will result in license suspension or revocation.~~

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

2.6 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.

2.7 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).

2.8 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 approaches the applicant plans to use (including techniques and tools).

2.9 Relevant Professional or Continued Education Experience

This Phrase shall mean documented training, workshops, institutes, seminars, etc.,

primarily counseling in content and described in Section 2.3 above. Professional and continuing education workshops must be approved by the Board.

3. QUALIFICATIONS

3.1 Licensed Associate Counselor

- (a) Must be a major.
- (b) Must have received a graduate degree **which is primarily professional counseling in content** from an 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)**.
- (c) Must demonstrate professional competencies by passing written, oral, and/or situational examination as prescribed by the Board.
- (d) Must arrange supervision and have same approved in writing by the Board.

3.2 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 thirty (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 two (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.

3.3 Evaluation of Areas of Specialization

Areas of **specialization**, as specified in the statement of professional intent, shall be evaluated by the Board. 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., Marriage and Family Counseling, Rehabilitation Counseling, Pastoral Counseling, Career Counseling, **School Counseling, Clinical Mental Health Counseling/Psychotherapy, Geriatric Counseling, Counseling Supervision, Appraisal** or other specified counseling areas.

4. HOW TO OBTAIN A LICENSE: APPLICATION

4.1 Application

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

4.2 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 approaches the applicant will use.

4.3 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.

4.4 Supervised Counseling

The applicant will submit a **record of Post-Master's counseling-related work experience.**

4.5 References

The applicant will **submit a minimum** of three (3) references **on Board approved forms.** Current members of the Board or relatives may not submit references for applicants.

(a) Two (2) from persons in related professional area.

(b) One (1) nonacademic character reference.

4.6 Examination

There will be written, oral, and/or situational examinations.

4.7 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 step in the procedure:

(a) Admission to the written examination.

(b) Admission to oral and/or situational examination.

(c) Granting of the license.

5. PRACTICE WITHOUT LICENSE PROHIBITED

5.1 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 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 (\$500.00) nor more than One Thousand Dollars (\$1000.00) and the violator may be imprisoned for a term not exceeding one (1) year. Each violation and conviction shall be deemed a separate offense.

6. EXAMINATION OF APPLICANTS

6.1 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 and oral and/or situational examinations.

6.2 Written Examination

The Board will adopt a prepared standardized test covering the specialized knowledge common to a variety of counseling **competencies**. 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 skills 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/or situational examination.

6.3 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.

(b) Situational exam - A situational demonstration of counseling skills may be requested by the Board in the form of live, video, or audio tapes. A consent and release statement signed by each participant must accompany such recordings. The Board may utilize Licensed Professional Counselors to review and advise regarding the demonstration of skills.

(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.

6.4 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.

6.5 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.

7. RENEWAL

7.1 Expiration

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

7.2 Fees

The biennial registration 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 may establish additional fees for processing and registering specializations. The**

Board will determine appropriate fees and adjust according to need.

7.3 Continued Education

No license will be renewed without evidence of satisfactory completion of a minimum of twenty-four (24) contact hours of continued professional education and/or training in the twenty-four (24) months prior to renewal and evidence of same on file with the Board. Continued education is defined in Section 2.9 of the Rules and Regulations. Failure to document satisfactory Continued Education will result in suspension as described in Section 8.3.

7.4 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 requirement for renewal.

7.5 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.

7.6 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 (1) year will necessitate applying for the license as a new applicant.**

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

8.1 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. 17-27-101 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. 17-27-101 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.**

8.2 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 thirty (30) days.

8.3 Period of Suspension

A period of suspension shall not exceed six (6) months. During the period of suspension, the licensee shall not practice counseling 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.**

8.4 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 and/or false representation as a licensed counselor.

8.5 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.**

9. LICENSING UNDER SPECIAL CONDITIONS: RECIPROCITY

9.1 Reciprocity

(a) If a candidate is licensed or certified to practice counseling by a similar board in another state, the Arkansas Board may, at its discretion, waive the formal examination requirements of a candidate.

(b) Section 9.2a holds, provided the Arkansas Board accepts the standards and qualifications required for the practice of counseling 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 that are required by similar boards in other states.

9.2 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. 17-27-101 et seq.**

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AR. REGISTER DIV.

ARKANSAS BOARD OF EXAMINERS IN COUNSELING

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RULES and REGULATIONS

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

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(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.

2.7 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).

2.8 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 approaches the applicant plans to use (including techniques and tools).

2.9 Relevant Professional or Continued Education Experience

This Phrase shall mean documented training, workshops, institutes, seminars, etc.,

primarily counseling in content and described in Section 2.3 above. Professional and continuing education workshops must be approved by the Board.

3. QUALIFICATIONS

3.1 Licensed Associate Counselor

(a) Must be a major.

(b) Must have received a graduate degree **which is primarily professional counseling in content** from an 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)**.

(c) Must demonstrate professional competencies by passing written, oral, and/or situational examination as prescribed by the Board.

(d) Must arrange supervision and have same approved in writing by the Board.

3.2 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 thirty (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 two (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.

3.3 Evaluation of Areas of Specialization

Areas of **specialization**, as specified in the statement of professional intent, shall be evaluated by the Board. 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., Marriage and Family Counseling, Rehabilitation Counseling, Pastoral Counseling, Career Counseling, **School Counseling, Clinical Mental Health Counseling/Psychotherapy, Geriatric Counseling, Counseling Supervision, Appraisal** or other specified counseling areas.

4. HOW TO OBTAIN A LICENSE: APPLICATION

4.1 Application

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

4.2 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 approaches the applicant will use.

4.3 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.

4.4 Supervised Counseling

The applicant will submit a **record of Post-Master's counseling-related work experience.**

4.5 References

The applicant will **submit a minimum** of three (3) references **on Board approved forms.** Current members of the Board or relatives may not submit references for applicants.

(a) Two (2) from persons in related professional area.

(b) One (1) nonacademic character reference.

4.6 Examination

There will be written, oral, and/or situational examinations.

4.7 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 step in the procedure:

(a) Admission to the written examination.

(b) Admission to oral and/or situational examination.

(c) Granting of the license.

5. PRACTICE WITHOUT LICENSE PROHIBITED

5.1 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 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 (\$500.00) nor more than One Thousand Dollars (\$1000.00) and the violator may be imprisoned for a term not exceeding one (1) year. Each violation and conviction shall be deemed a separate offense.

6. EXAMINATION OF APPLICANTS

6.1 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 and oral and/or situational examinations.

6.2 Written Examination

The Board will adopt a prepared standardized test covering the specialized knowledge common to a variety of counseling **competencies**. 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 skills 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/or situational examination.

6.3 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.

(b) Situational exam - A situational demonstration of counseling skills may be requested by the Board in the form of live, video, or audio tapes. A consent and release statement signed by each participant must accompany such recordings. The Board may utilize Licensed Professional Counselors to review and advise regarding the demonstration of skills.

(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.

6.4 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.

6.5 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.

7. RENEWAL

7.1 Expiration

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

7.2 Fees

The biennial registration 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 may establish additional fees for processing and registering specializations. The**

Board will determine appropriate fees and adjust according to need.

7.3 Continued Education

No license will be renewed without evidence of satisfactory completion of a minimum of twenty-four (24) contact hours of continued professional education and/or training in the twenty-four (24) months prior to renewal and evidence of same on file with the Board. Continued education is defined in Section 2.9 of the Rules and Regulations. Failure to document satisfactory Continued Education will result in suspension as described in Section 8.3.

7.4 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 requirement for renewal.

7.5 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.

7.6 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 (1) year will necessitate applying for the license as a new applicant.**

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

8.1 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. 17-27-101 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. 17-27-101 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.

8.2 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 thirty (30) days.

8.3 Period of Suspension

A period of suspension shall not exceed six (6) months. During the period of suspension, the licensee shall not practice counseling 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.**

8.4 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 and/or false representation as a licensed counselor.

8.5 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.**

9. LICENSING UNDER SPECIAL CONDITIONS: RECIPROCITY

9.1 Reciprocity

(a) If a candidate is licensed or certified to practice counseling by a similar board in another state, the Arkansas Board may, at its discretion, waive the formal examination requirements of a candidate.

(b) Section 9.2a holds, provided the Arkansas Board accepts the standards and qualifications required for the practice of counseling 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 that are required by similar boards in other states.

9.2 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. 17-27-101 et seq.**