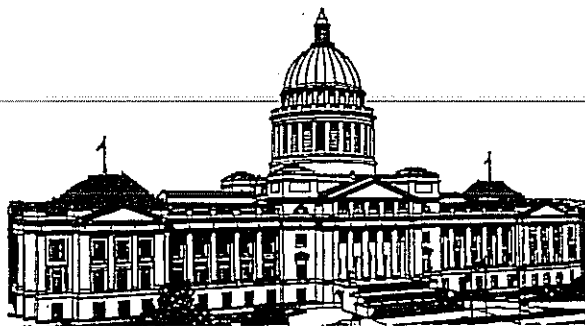


ARKANSAS REGISTER

Transmittal Sheet



FILED
AR. REGISTER DIV.
97 MAR 11 PM 3:27

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

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

For Office Use Only: Effective Date 3/21/97 Code Number 122.00.97--001

Name of Agency ARKANSAS BOARD OF EXAMINERS IN COUNSELING

Department N/A

Contact Person Dr. Ann K. Thomas

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

Intended Effective Date	Date
<input type="checkbox"/> Emergency	Legal Notice Published <u>Dec. 21, 1996</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment <u>Jan. 24, 1997</u>
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council _____
_____	Adopted by State Agency <u>Jan. 24, 1997</u>

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

501-235-4214
Phone Number

Executive Director
Title

3-10-97
Date



State of Arkansas
BOARD OF EXAMINERS IN COUNSELING

FILED
AR. REGISTER DIV.
97 MAR 11 PM 3:27

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

March 10, 1997

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

Reference: Rules and Regulations Filing

Dear Ms. Priest:

Enclosed find the revised Rules and Regulations of this Board.
Please send receipt to verify date received by your office.

Sincerely,
Arkansas Board of Examiners in Counseling

A handwritten signature in cursive script, reading "Ann K. Thomas".

Ann K. Thomas, PhD., LPC
Executive Director

Enclosures

AKT/ca

FILED
ARKANSAS BOARD OF EXAMINERS IN COUNSELING

97 MAR 11 PM 3:27

RULES and REGULATIONS

FEB 24 1997

SHARON PRIEST
 SECRETARY OF STATE
 STATE OF ARKANSAS

PREFACE

ATTORNEY GENERAL
 OF
 ARKANSAS

BY ~~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 of 1979 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 and Organization of the Board**

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.).

1.2 Purpose

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.

1.3 Vacancies

(a) Expired Terms. No later than November 1, of each year, the Executive Committee and /or the 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.

1.4 Organization of the Board

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.

1.5 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 of 1967).

1.6 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.

1.7 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 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.

1.8 Forms and Instructions

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

1.9 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.

2.0 DEFINITIONS AND CLARIFICATION OF TERMS

2.1 Practice of Counseling

Unless specifically exempt by A.C.A. 17-27-103, 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.

2.2 Professional Ethics

The Board of Examiners in Counseling has adopted the *Code of Ethics and Standards of Practice* of the American Counseling Association effective July 1, 1995 and any subsequent revisions approved by the Governing Council of the American Counseling Association.

2.3 Persons holding a counseling specialization are accountable to the ethical standards of

the American Counseling Association and the ethical standards of their specialization's.

2.4 Principles, Methods, and Procedures of Counseling

These terms and phrases are descriptive rather than limiting and include those techniques and activities which are utilized in evaluating and/or changing behavior plus other forms of counseling and consultative approaches utilized in evaluating and/or changing the behavior of individuals, groups or organizations.

(a) Counseling means assisting individuals or groups, through the counseling/psychotherapy 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.

2.5 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 A.C.A. 17-27-103.

(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 A.C.A. 17-27-103.

(c) Specialty Licenses will be issued to Licensed Associate Counselors and Licensed Professional Counselors according to provisions of 3.3 Rules and Regulations A.C.A. 17-27-301 (c).

2.6 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, the Association for Counselor Education and Supervision 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 A.C.A. 17-27-302). 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.

2.7 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., 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.

2.8 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).

2.9 Statement of Professional Intent

The Statement of Professional Intent is 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.

2.10 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.

3.0 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 examinations as prescribed by the Board.
- (d) Must arrange supervision and have same approved in writing by the Board.

3.2 Licensed Professional Counselor

- (a) Meet the requirements of 3.1, (a), (b) and (c).
- (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 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 all specialization's in counseling, i.e., Marriage and Family Counseling, Rehabilitation Counseling, Pastoral Counseling, Career Counseling, School Counseling, Clinical Mental Health Counseling, Geriatric Counseling, Counseling Supervision, Appraisal or other specified counseling areas.

4.0 OBTAINING 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 all institutions where graduate 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, two (2) from persons in a related professional area and one (1) non-academic character reference, on Board approved forms. Current members of the Board or relatives may not submit references for applicants.

4.6 Examination

The Board will administer 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 each step of the approval procedure:

(a) Admission to the written examination will be based on a completed application and official graduate transcripts showing evidence that all academic requirements have been completed or that a student is in the final semester of graduate work as documented by the institution in which they are currently enrolled.

(b) Admission to the oral examinations will be based on evidence of a passing score on a written examination approved by the Board.

(c) Granting of the license will be based on a majority vote of Board members.

5.0 PRACTICE WITHOUT LICENSE PROHIBITED

5.1 Rule of Procedure

When the Board is made aware of a violation, or possible violation, of A.C.A. 17-27-104, 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. 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.

6.0 EXAMINATION OF APPLICANTS

6.1 Scheduling Examinations

An applicant whose credentials meet the requirements of A.C.A. 17-27-301 will be scheduled for written, oral and 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.

6.3 Oral and Situational Examination (A.C.A. 17-27-303)

(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 and/or video 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

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

7.0 RENEWAL

7.1 Expiration

All licenses expire biennially (A.C.A. 17-27-304) 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 specialization's. The Board will set all fees as needed to cover costs and adjust as necessary to pay Board expenses.

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 2.10 of the Rules and Regulations. Failure to document satisfactory Continued Education will result in suspension as described in Section 8.3. Two contact hours must be related to ethical and legal issues.

7.4 Renewal Notice

Notices of renewal will be mailed by the Board staff 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. (A.C.A. 17-27-304) Failure to pay fees and renew license within one (1) year will necessitate applying for the license as a new applicant.

8.0 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. Administrative Procedures Act 434 of 1967, and subsequent revisions of that Act, the Board may 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 A.C.A. 17-27-306 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 (A.C.A. 17-27-304).

(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.

9.0 LICENSING UNDER SPECIAL CONDITIONS: RECIPROCITY

9.1 Reciprocity(A.C.A. 17-27-305

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 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. 17-27-301 or 17-27-302.

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. A.C.A. 17-27-305 (b)