

Docket # : 122.00.98-002  
Effective Date : 2/5/98



State of Arkansas  
**BOARD OF EXAMINERS IN COUNSELING**

January 20, 1998

Secretary of State  
Arkansas Capitol  
Little Rock, AR 72201

Dear Madam:

In compliance with The Arkansas Administrative Act, The Board of Examiners in Counseling requests filing the Rules and Regulations for Act 1317 of 1997 for the Criminal Background Check of Licensed Professionals in Counseling and Marriage and Family Therapy. The legislative Council approved the enclosed, November 6, 1997. The enclosed copies replace the emergency Rules and Regulations filed as emergency, September, 1997.

Thank you for your attention to this matter.

Sincerely,  
The Arkansas Board of Examiners in Counseling

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

Ann K. Thomas, PhD, LPC, NCC  
Executive Director

PC: Arnold Jochums

Enclosures

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STATE OF ARKANSAS  
BY \_\_\_\_\_



State of Arkansas  
**BOARD OF EXAMINERS IN COUNSELING**

**RULES AND REGULATIONS**  
**ACT 1317 OF 1997**  
**ACA 17-27-309**

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SECRETARY OF STATE  
STATE OF ARKANSAS  
BY \_\_\_\_\_

**I. Introduction**

Whereas, it is necessary to require all first time applicants whose applications are received on or after October 1, to apply for a criminal background investigation, and for all current licensees to obtain a criminal background investigation on or before October 1, 2000. Whereas, in order to provide for such investigations, this Board adopted regulations prior to October 1, 1997 to comply with the mandates of ACT 1317 of 1997 to protect the citizens of the state of Arkansas.

**II. Criminal Background Investigations.**

A first time applicant whose application is received on or after October 1, 1997 must apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check.

If an applicant licensed or seeking licenses from more than one Board can demonstrate that the applicant has sought a criminal background check through the Psychology Board or the Social Work Licensing Board, during the preceding six (6) months, the applicant will be deemed to have met the requirements of A.C.A. 17-27-301 (4).

The applicant is responsible for providing a written authorization for the other Board to send a statement that the background check has been applied for and the results will be sent when available to the Arkansas Board of Examiners in Counseling.

A license shall automatically be revoked if the information from the Identification Bureau of the Arkansas State Police reveals that the applicant has pleaded guilty, or nolo contendere to, or been found guilty of, any offense listed in A.C.A. 17-97-310.

#### A. Provisional License

1. Upon application and satisfactory documentation of **ALL REQUIREMENTS**, except the background check, the Board may issue a provisional license for the practice of counseling or marriage & family therapy to an applicant for licensure as a Licensed Counselor or Licensed Marriage & Family Therapist.
2. The provisional license will be issued only one time per person and cannot be renewed
3. The provisional license shall be effective from date of issuance and will expire exactly six (6) months from date of issuance.
4. The provisional license shall automatically be revoked if the information from the Identification Bureau of the Arkansas State Police reveals that the applicant has pleaded guilty, or nolo contendere to, or been found guilty of, any offense listed in A.C.A. 17-39-309 (f).

#### B. Reciprocity.

1. An applicant for a reciprocal license whose application is received on or after October 1, 1997 must apply to the Identification Bureau of the Arkansas State Police (ASP) for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the ASP for the payment of any fee associated with the criminal background check.
2. A provisional license shall be issued to an applicant for licensure through reciprocity who has met **ALL OTHER REQUIREMENTS**. An applicant for reciprocity must apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check. The provisional license shall be valid until the results of the criminal background check are received by the Board but will be effective no longer than six (6) months from the date of issuance.

#### C. Renewal.

1. A license renewal notice and application shall be mailed to licensees approximately April 1, prior to the expiration date. The completed renewal application, the renewal fee, and documentation of continuing education hours, counseling in nature, must be submitted to the Board prior to the expiration date.

2. All licensees seeking renewal who were granted licensure prior to October 1, 1997 shall be required to apply to the Identification Bureau of the Arkansas State Police for a state and national criminal history check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fees associated with the criminal history check. The application and instructions for applying for the criminal history check will be mailed to licensees approximately six (6) months prior to their renewal date. Licensees shall apply for a background history check immediately upon receipt of the forms provided by the Board. The renewal application will not be approved until the results of the criminal history check are received. Extenuating circumstances that prevent licensees from applying for a criminal history check in a timely manner will be reviewed on an individual basis.
3. When the Board determines that the requirements for license renewal have been met, the licensee will be mailed notification of licensure for the next two years.
4. If the licensee fails to renew his or her license prior to the expiration date, the license shall lapse.
5. A license that has lapsed for less than twelve (12) months may be renewed, by the licensee, by submitting the renewal application, the renewal fee, and documentation of 24 hours of continuing education completed during the previous two-year licensure period. The Board may require a personal appearance before the Board if the license is not renewed in six (6) months. The licensee must document extenuating circumstances that prevented timely renewal, and that no practice was conducted after the expiration date.
6. A licensee that has lapsed for twelve (12) months or longer is **non-renewable**. The licensee shall be considered a new applicant and subject to **all** requirements.

### **III. Effective Date of Rules and Regulations.**

The Emergency Rules and Regulations became effective on the 1<sup>st</sup> day of October 1997. They continued in effect for a period of 60 days. Thereafter, these Rules and Regulations were approved by the Legislative Council, **November 6, 1997** and filed that date pursuant to the Arkansas Administrative Procedures Act.

## **CRIMINAL BACKGROUND CHECK PROCEDURE FOR FIRST TIME APPLICANTS COUNSELORS AND MARRIAGE & FAMILY THERAPIST**

Beginning October 1, 1997 all first time applicants must apply for a criminal background check. When an application for licensure is received in the board office, a record check form, two fingerprint cards and instructions for applying for the criminal background check will be mailed to the applicant. Upon receipt of the materials, the applicant should take the fingerprint cards to the nearest law enforcement office and have fingerprints taken. The completed record check form, one completed fingerprint card and two checks or money orders made payable to the **Arkansas State Police** (one for \$15.00 and one for \$24.00) should be mailed to the board office. The board staff will make notation that the applicant has applied for the background check and forward the materials to the Arkansas State Police.

When the Board approves the application for licensure, and **all other requirements** have been met, the applicant will be issued a provisional license valid for six (6) months. The regular license will not be issued until the results of the criminal background check are received. If the results are not received prior to the end of the six month period, the individual will not be eligible to practice counseling or marriage & family therapy until the results are received and a license is issued. The provisional license is issued one time only, and is not renewable.

## **CRIMINAL HISTORY CHECK PROCEDURE FOR CURRENTLY LICENSED COUNSELORS AND MARRIAGE & FAMILY THERAPIST**

Prior to a licensee's renewal date, a record check form, two fingerprint cards and instructions for applying for a criminal history check will be mailed to the counselor/therapist. The procedure for making application for the check will be the same as for a new applicant.

The counselor/therapist must apply for the criminal history check immediately upon receiving this notice so the Board will receive the results of the check prior to the expiration date of his/her license. If the licensee fails to make application in a timely manner and the results of the check are not received prior to the expiration date, the individual's license will expire.

The counselor/therapist is responsible for keeping the Board informed of any change in address. Failure to receive the criminal history check materials will not be considered an extenuating circumstance for not applying for the investigation.