

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

# A Bill

Act 1502 of 2001  
HOUSE BILL 1720

5 By: Representative Goss  
6  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE  
10 RELATING TO PSYCHOLOGISTS AND PSYCHOLOGY EXAMINERS;  
11 AND FOR OTHER PURPOSES.  
12

## Subtitle

13 TO AMEND VARIOUS SECTIONS OF THE  
14 ARKANSAS CODE RELATING TO PSYCHOLOGISTS  
15 AND PSYCHOLOGY EXAMINERS.  
16  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 Section 1. Arkansas Code 17-97-204 is amended to read as follows:  
22 17-97-204. Collection and disposition of fees.

23 (a) The Arkansas Board of Examiners in Psychology is authorized to  
24 establish and collect various fees and penalties for services related to  
25 provision of temporary permits, printed materials, handling returned checks,  
26 costs incurred in processing delinquent payments, and other reasonable  
27 services as may be determined by the board.

28 (b) These fees, along with other cash funds made available to the  
29 board, shall be used to supplement the board with adequate income to provide  
30 for the efficient and necessary operation of the board.

31 (c) The fees and penalties shall be limited to the following types with  
32 the maximum amounts as indicated:

Type of Service	Maximum Charge
Photocopying, per page	\$ 1.00
Personal Name Change	10.00
Service Charge on Returned Checks	20.00

1	Replacement of Returned Checks	20.00
2	Temporary Permit	100.00
3	Delinquent Payment	<del>50.00</del> <u>100.00</u>
4	<u>Mailing lists/labels</u>	<u>100.00</u>
5	<u>Verification of licensure</u>	<u>10.00</u>
6	<u>Delinquent CE penalty</u>	<u>50.00</u>

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8 SECTION 2. Arkansas Code 17-97-301 is amended to read as follows:

9 17-97-301. License required.

10 (a) If any person shall practice or hold himself out to the public as  
 11 being engaged in the practice of psychology, such as clinical, consulting,  
 12 industrial, personnel, or counseling psychology and shall not then possess in  
 13 full force and virtue a valid license to practice as psychological examiner or  
 14 psychologist under the provisions of this chapter, he shall be deemed guilty  
 15 of a misdemeanor.

16 (b) Upon conviction he shall be fined not less than ~~one hundred dollars~~  
 17 ~~(\$100)~~ five hundred dollars (\$500) nor more than ~~five hundred dollars (\$500)~~  
 18 one thousand dollars (\$1,000).

19

20 SECTION 3. Arkansas Code 17-97-303 is amended to read as follows:

21 17-97-303. Psychological examiners - Application - Qualifications.

22 (a) Any person wishing to obtain the right to practice as a  
 23 psychological examiner who has not heretofore been licensed to do so shall  
 24 make application to the Arkansas Board of Examiners in Psychology, through the  
 25 chairman, upon a form and in the manner as shall be adopted and prescribed by  
 26 the board, and obtain from the board a license to do so.

27 (b)(1) A candidate for a license shall furnish the board with  
 28 satisfactory evidence that he:

29 (A) Is of good moral character;

30 (B) Has ~~had two (2) academic years of graduate training in~~  
 31 ~~psychology, including a master's degree~~ a master's degree in psychology or  
 32 closely related field from an accredited educational institution recognized by  
 33 the board as maintaining satisfactory standards ~~or, in lieu thereof, such~~  
 34 ~~training and experience as the board shall consider equivalent;~~

35 (C) Is competent as a psychological examiner as shown by  
 36 passing examinations, written or oral, or both, as the board deems necessary;

1 (D) Is not considered by the board to be engaged in  
2 unethical practice;

3 (E) Has applied for a criminal background check and has not  
4 been found guilty of or pleaded guilty or nolo contendere to any of the  
5 offenses listed in § 17-97-312(f); and

6 (F) Has not failed an examination given by the board within  
7 the preceding six (6) months.

8 (2) At its discretion, the board may accept satisfactory substitute  
9 training and experience in lieu of that prescribed in subdivision (b)(1) of  
10 this section.

11  
12 SECTION 4. Arkansas Code 17-97-305 is amended to read as follows:  
13 17-97-305. Issuance.

14 (a) License to practice psychology. The board shall be the sole agency  
15 empowered to examine candidates concerning competence in the practice of  
16 psychology and to grant license for the practice of psychology at the  
17 appropriate level. The license shall be signed by the chairman of the Arkansas  
18 Board of Examiners in Psychology and attested by the secretary under the seal  
19 of the board, whereupon a proper license shall be issued in accordance with  
20 this chapter.

21 (b) Provisional license:

22 (1) The board shall issue a provisional license to an applicant  
23 who has:

24 (A) Passed the examinations prescribed by the board;

25 (B) Satisfied the preliminary requirements of §§ 17-97-302  
26 and 17-97-303; and

27 (C) Paid the fee for a provisional license.

28 (2) A provisional license holder is entitled to practice  
29 psychology under the supervision of a psychologist to meet the requirements  
30 for issuance of a license under § 17-97-305.

31 (3) The board shall adopt rules that apply to provisional license  
32 holders identifying:

33 (A) The activities that holders may engage in; and

34 (B) Services that may be provided by holders.

35 (4) The board may refuse to renew the provisional license of a  
36 person who does not meet the requirements prescribed by § 17-97-303.

1 (c) Provisional license application:

2 (1) An applicant for examination for a provisional license must:

3 (A) Apply on forms prescribed by the board; and

4 (B) Submit the required fees with the application.

5 (2) The board may require that the applicant verify the  
6 application.

7 (d) Provisional license examination qualifications:

8 (1) An applicant may take an examination for a provisional  
9 license if the applicant:

10 (A) Has received:

11 (i) A doctoral degree in psychology from a regionally  
12 accredited educational institution; or

13 (ii) A doctoral degree in psychology, or the  
14 substantial equivalent of a doctoral degree in psychology in both subject  
15 matter and extent of training from a regionally accredited educational  
16 institution;

17 (B) Has attained the age of majority;

18 (C) Has good moral character;

19 (D) Is physically and mentally competent to provide  
20 psychological services with reasonable skill and safety, as determined by the  
21 board;

22 (E) Is not afflicted with a mental or physical disease or  
23 condition that would impair the applicant's competency to provide  
24 psychological services;

25 (F) Has not been convicted of a crime involving moral  
26 turpitude or a felony;

27 (G) Does not use drugs or alcohol to an extent that affects  
28 the applicant's professional competency;

29 (H) Has not engaged in fraud or deceit in making the  
30 application; and

31 (I) Has not:

32 (i) Aided or abetted the practice of psychology by a  
33 person not licensed under this chapter in representing that the person is  
34 licensed under this chapter;

35 (ii) Represented that the applicant is licensed under  
36 this chapter to practice psychology when the applicant is not licensed; or

1 (iii) Practiced psychology in this state without a  
2 license under this chapter or without being exempt under this chapter.

3 (2) In determining under Arkansas Code 17-97-302(b)(1)(B) whether  
4 a degree is substantially equivalent to a doctoral degree in psychology, the  
5 board shall consider whether at the time the degree was conferred, the  
6 doctoral program met the prevailing standards for training in the area of  
7 psychology, including standards for training the clinical, school and  
8 industrial counseling.

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10 SECTION 5. Arkansas Code 17-97-308 is amended to read as follows:  
11 17-97-308. Annual registration - Failure to reregister.

12 (a) The board shall have authority to adopt and enforce rules and  
13 regulations requiring every person having a license to practice to pay an  
14 annual registration fee in a sum to be fixed by the board.

15 (b) The fee shall become due on a date fixed by the board.

16 (c) Failure to pay the annual registration fee within the time stated  
17 shall automatically suspend the right of any licentiate to practice his or her  
18 profession while delinquent.

19 (d) Application for annual renewal of the license of a psychologist or  
20 psychological examiner will not be considered if the applicant has not  
21 supplied forty (40) hours of continuing education for the previous biennium  
22 (twenty-four (24) months).

23 (e) All programs of continuing education for licensed psychologists or  
24 psychological examiners shall be subject to approval of the board. The board  
25 is authorized to prescribe by regulations the minimum standards and  
26 requirements for continuing education programs for licensees, the procedures  
27 and policies for administering such programs, and the manner and conditions  
28 under which credit will be granted for participation in such programs.

29 ~~(d)~~ (f)(1) If any licentiate fails for three (3) consecutive years to  
30 pay the fee, then it shall be the duty of the board, without hearing or  
31 notice, to cancel his or her license subject to reinstatement.

32 (2) If application for reinstatement is made, the board shall  
33 consider the moral character and professional qualifications of the applicant  
34 as in the case of an original application.

35  
36 SECTION 6. Arkansas Code 17-97-310 is amended to read as follows:

1 17-97-310. Denial, suspension, ~~or~~ revocation, fine, letter of reprimand  
2 or additional education - Grounds - Reinstatement.

3 (a) The Arkansas Board of Examiners in Psychology may refuse to grant a  
4 certificate or may ~~recommend suspension of~~ suspend or revoke any license for a  
5 period to be determined by the board; may impose a fine of up to five  
6 thousand dollars (\$5,000); may issue a letter of reprimand; and/or may require  
7 additional hours of education of a licensee on the following grounds:

8 (1) The employment of fraud or deception in applying for a  
9 license or in passing the examination provided for in this chapter;

10 (2) The practice of psychology under a false or assumed name or  
11 the impersonation of another practitioner of a like or different name;

12 (3) Habitual intemperance in the use of ardent spirits,  
13 narcotics, or stimulants to such an extent as to incapacitate the licensee or  
14 applicant for the performance of his duties;

15 (4) Violation of the Arkansas Medical Practices Act, § 17-95-201  
16 et seq.;

17 (5) Practice of a level of psychology inappropriate to the  
18 particular license held by the licensee;

19 (6) Upon recommendation of the ethics committee of the Arkansas  
20 Psychological Association or of the American Psychological Association; ~~or~~

21 (7) Negligence or wrongful actions in the performance of his  
22 duties; or

23 (8) A violation of any rule or regulation of this board or the  
24 rules of ethics as adopted by this board.

25 (b) The board shall refuse to issue or revoke the license of any person  
26 who has been found guilty of or pleaded guilty or nolo contendere to any of  
27 the offenses listed in § 17-97-312(f), unless the person requests and the  
28 board grants a waiver pursuant to § 17-97-312(h).

29 (c)(1) Upon satisfactory proof that any applicant or licensee has  
30 been guilty of any of the above offenses, the board may refuse to grant a  
31 certificate to the applicant or may revoke a license of the licensee upon a  
32 vote of at least three (3) members of the board.

33 (2) An application for reinstatement may be made to the board, and the board  
34 may, upon favorable action by three (3) of its members, reinstate the  
35 applicant.

36

SECTION 7. Arkansas Code 17-97-311 is amended to read as follows:

17-97-311. Denial, suspension, ~~or~~ revocation, or other penalty -  
Proceedings.

(a)(1) The board may not recommend suspension, ~~or~~ revocation, or any other penalty described in Arkansas Code 17-97-310 affecting a certificate or license ~~of licensure~~ or refuse to issue or to renew any certificate for any cause listed in this chapter, unless the person accused has been given at least twenty (20) days' notice in writing by registered mail, with return receipt demanded, of the charges against him and an opportunity for a public hearing by the board.

(2) The written notice shall be mailed to the person's last known address, but the nonappearance of the person shall not prevent such a hearing.

(b) At the hearing the board may administer an oath and procure by its subpoenas the attendance of witnesses and the production of relevant books and papers.

(c) Any action of, or ruling or order made or entered by, the board declining to issue a certificate, declining to recommend licensure, or recommending suspension, ~~or~~ revocation, ~~or~~ or other penalty described in Arkansas Code 17-97-310 which affects a certificate or license shall be subject to review by the courts of this state in the same manner and subject to the same powers and conditions which are now provided by law in regard to rulings, orders, and findings of other quasi-judicial bodies in Arkansas, where not otherwise specifically provided.

APPROVED: 4/12/2001