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LEGISLATIVE RESEARCH

## I. GENERAL INFORMATION

### Section 1.1 ENABLING LEGISLATION

The Rules are adopted pursuant to Arkansas Code Annotated § 17-27-101 *et seq.*

#### Preface

The enabling legislation of the Arkansas Board of Examiners in Counseling is codified at Arkansas Code Annotated §17-27-101 and it provides for the licensure and regulation of Counselors and Marriage and Family Therapists; and the individuals who are allowed to use the titles "licensed professional counselor", "licensed associate counselor", "licensed marriage and family therapist", and "licensed associate marriage and family therapist". The Act is both title and practice.

The Board of Examiners in Counseling shall, in all deliberations and in all adopted Rules, diligently pursue goals most consistent with the public interest and protection of the public welfare and shall, at all times, apply the provisions of Arkansas Code Annotated § 17-27-101, *et seq.* and the Rules in a fair and impartial manner.

### Section 1.2 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 (3) of whom are practicing counselors and three (3) of whom are counselor educators, one (1) licensed marriage and family therapist; one (1) member from the general public who is not licensed or licensable and not actively engaged in or retired from the profession, and one (1) member who shall represent the elderly. ~~The composition of the Board shall include six (6) licensed or licensable counselors (three practicing counselors (one of whom must be a supervisor) and three counselor educators or supervisors, one of which shall also be a licensed Marriage and Family Therapist educator and/or approved supervisor 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) or the Executive Committee of the Arkansas Mental Health Counseling Association (ArMHCA). 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.~~  
Section (e) (1) (e) (1)

~~Board members shall be ineligible for reappointment for a period of three (3) years following completion of each full, three (3) year term.~~ Board members shall be appointed for three (3) year terms.

~~The appointed replacement shall be eligible for reappointment to a full three year~~

~~term upon completion of the partial term appointment created by the vacancy. Section (e) (1) (e) (1) (g)~~

### Section 1.3 INFORMATION FOR PUBLIC GUIDANCE

Records of the Board shall be kept, maintained, and made available for inspection in accordance with the Arkansas Freedom of Information Act (Arkansas Code Annotated § 25-19-101 et seq.).

Records of the Board will be maintained in accordance with the laws governing retention of documents of State agencies.

The Board ~~will~~ may periodically release names of new licensees and the names of those licensees whose licenses have been suspended or revoked, and those who are appealing a suspension or a revocation, ~~to the Arkansas Counseling Association, to the Arkansas Association of Marriage and Family Therapy, and the Arkansas Mental Health Counselors Association for publication in their newsletters.~~ to the American Counseling Association (ACA), to the American Association of Marriage and Family Therapy (AAMFT), and the American Mental Health Counselors Association. This information ~~will~~ may be periodically placed on the Board website.:  
<http://www.abec.myarkansas.net/>

~~A periodic press release may be issued to state wide newspapers listing licenses issued, suspended, and revoked. If the suspension or revocation is under appeal it will be so noted.~~

Final decisions arrived at through administrative hearings will be available to requesters [including third party payers]. All final decisions are reported to the National Practitioners Data Base. These decisions will be available through the Board's web site or by written request from the Board office.

### Section 1.4 PURPOSES OF ORGANIZATION

The Board is responsible for the regulation of the titles and the practices of Counseling and Marriage and Family Therapy ~~and Specialization Licenses related to 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.

~~Persons engaged in the practice of Counseling or Marriage and Family Therapy to individuals or groups in Arkansas must hold an Arkansas license to engage in that practice. These regulations apply to all traditional approaches and to all technology-assisted distance approaches, including telephone approaches, to Counseling or Marriage and Family Therapy offered to individuals or groups in Arkansas. Telephone Crisis "Hot Lines", telephone consultation between licensed mental health providers and emergency telephone calls are exempt. Counseling or Marriage and Family Therapy~~

~~telephone services provided as a regular scope of practice, as a business, advertised to the public with hourly fees as mental health services by Counselors or Marriage and Family Therapists requires an Arkansas license. See Section XII for the ethics, definitions and standards for the practice of internet or telephone services.~~

In order to protect the citizens of Arkansas, obtaining a an Arkansas license as a Counselor/Psychotherapist or Marriage and Family Therapist Licensed Professional Counselor (LPC), Licensed Associate Counselor (LAC), Licensed Marriage and Family Therapist (LMFT), or Licensed Associate Marriage and Family Therapist (LAMFT) is a prerequisite to offering, rendering or delivering counseling services in Arkansas to individuals or groups located in Arkansas. The license requirement applies to traditional face to face counseling as well as to ~~Technology Assisted distance (electronic, computer, telephone) counseling~~ Telemedicine. If a licensee offers services to clients in another state, the licensee is subject to laws of that state.

~~If the individual or group receiving mental health services is physically located in Arkansas, the Counselor/Psychotherapist or Marriage and Family Therapist clinician providing the services must hold an Arkansas license regardless of whether he or she is located in state or out of state.~~

~~If the Counselor/Psychotherapist or Marriage and Family Therapist are physically located in Arkansas, he or she must have an Arkansas license to provide Counseling/Psychotherapy or Marriage and Family Therapy services to individuals or groups located in Arkansas. If the licensee offers services to clients in another state, the licensee is subject to the laws of that state.~~

## Section 1.5 ORGANIZATION OF THE BOARD

The Board will elect officers within 30 days before January 2 of each year. The Board shall elect a chair and a secretary and other such officers, as it deems necessary, from its members to serve for terms of one year. 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.

## Section 1.6 MEETINGS

Meetings of the Board shall be open to the public in accordance with the Freedom of Information Act. Dates, times, and places of meetings shall be furnished to anyone requesting the information and made available to the press and on the website.

Under the provisions of the Arkansas Freedom of Information Act the Board may go into executive session for the purpose of giving oral licensure examinations or to develop examination questions.

## Section 1.7 FINANCES

The Board shall charge fees for applications, licenses, examinations and other administrative purposes deemed necessary by the Board. 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 Board Chairperson and the Executive Director shall be bonded to handle finances of the Board in compliance with state regulations.~~

~~All receipts for fees are numbered and dated. The Board has adopted the model Anti-Fraud and Code of Ethics Policy provided by the Arkansas Department of Finance and Administration.~~

## Section 1.8 INTENT OF THE ACT

It is intended that the provisions of Arkansas Code Annotated §17-27-101 *et seq.* operate in accordance with other laws.

## Section 1.9 DEFINITIONS

- (a) ~~"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 [Rule Section 3.5 (C) (6)] is required if appraising/evaluating for placement of children or adults in special programs, in schools, institutions, etc. If appraisals are conducted under contracts with public schools or for the Arkansas Department of Human Services the Appraisal Specialization License must be verified prior to reimbursement to schools or individuals. "Board Approved Supervisor Status" means any person holding himself/herself out to the public by any title or description of services incorporating the words Approved Supervisor Status. Any person who meets the applicable requirements set forth in Section 4.3 of these rules are approved to supervise LAC and/or LAMFT.~~
- (b) ~~"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. Counseling/Psychotherapy is The terms counseling and psychotherapy are synonymous and refer to the application of 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. The terms Counseling/ Psychotherapy are used interchangeably in definitions of mental health activities in counseling textbooks Counseling may also include clinical research into more effective methods for the diagnosis, treatment and prevention of the above named~~



conditions.

- (c) "Licensed Associate Counselor (LAC)" means 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 3.42 of these rules ~~and regulations~~, 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 professions excluded by Ark. Code Ann. § 17-27-103.
- (d) "Licensed Associate Marriage and Family Therapist (LAMFT)" means any person who holds himself/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 3.34 of these rules ~~and regulations~~; offers to render marriage and family therapy services to individuals, couples and families, singularly or in groups for monetary remuneration; ~~or~~ and 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 Ark. Code Ann. § 17-27-103.
- (e) "Licensed Marriage and Family Therapist (LMFT)" means any person who: holds himself/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 3.45 of the rules ~~and regulations~~; 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 an expert in marriage and family therapy; ~~or~~ and holds a current, valid license to practice marriage and family therapy. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27-103.
- (f) "Licensed Professional Counselor (LPC)" 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 3.23 of the rules ~~and regulations~~, and who offers to render counseling services to individuals, groups, organizations, 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. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27- 103.

- (g) "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 diagnosis, 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.
- (h) ~~"Privileged Communication" 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.~~
- (i) ~~"Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists.~~
- (j) ~~"Relevant Professional" or "Continued Education Experience" means documented training, workshops, institutes, seminars, etc., primarily counseling in content. The Board accepts documented clock hours as described in Section 7.3.~~
- (k) ~~"Research activities" means reporting, designing, conducting, or consulting on research in counseling with human subjects.~~
- (l) (h) "Statement of Professional Intent" means a typed statement from the applicant on file with the Board, describing the scope of practice for use under the requested 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).
- (m) ~~"Supervision" means professional monitoring and reporting (a) of a Licensed Associate Counselor (LAC) by an individual licensed as a LAC supervisor and (b) of a Licensed Associate Marriage and Family Therapist (LAMFT) by an individual licensed as a LAMFT supervisor.~~
- (n) ~~"Practicing Counselors" means 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.~~
- (o) ~~"Counselor Educator" means 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. Counselor Educators 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. Counselor Educators are considered 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 counselor educators retired from a higher education institution in Arkansas.~~

- (p) ~~"Adjunct lecturer" means persons who teach counseling courses, part time for various reasons at universities in higher education. They are considered practicing counselors by profession, if licensed or licensable. They are eligible for board service under the practicing counselor category.~~
- (q) ~~"Supervisor" means an individual who holds 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 holds the Ed.D. or the Ph.D. 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. Arkansas individuals who hold the LPC or LMFT license and also hold the Supervision Specialization License are approved to supervise LAC and LAMFT licensed individuals.~~
- (r) ~~"Licensed or Licensable" means a person who hold an Arkansas counseling or therapy license that is in good standing with the Board or persons who have filed an application and are in the process of becoming licensed by the Board. Individuals who have an application in process but fail the examinations or fingerprint check are not considered licensable.~~
- (s) ~~"Distance Learning" means distance education; learning or distance learning, a formal education process, in which instruction occurs when the student and instructor are not located in the same place. Distance learning adds technology to the learning environment by a variety of means. Instruction may be synchronous or asynchronous. Courses taught via distance learning must be approved by the Board, as per the rules for distance course work, prior to acceptance of courses used in an application for an Arkansas license. Section 3.6 (l) (h) (i) (j) As this form of education~~

~~has evolved with technology, it may be referred to as cyber learning, electronic learning, distance learning. For the purposes of these rules, the term distance learning refers to all non-traditional methods of presentation.~~

- (t) ~~"Technology Assisted Distance Counseling" (Electronic Counseling, Cyber Counseling) for Counseling or Marriage and Family Therapy means any form of services offered or rendered by electronic or technology assisted approaches when the Counselor or Marriage and Family Therapist and the client are not located in the same place. Technology Assisted Distance Counseling may be synchronous or asynchronous. Only Counselors and Marriage and Family Therapists, licensed by the Arkansas Board of Examiners in Counseling, who also hold the Technology assisted Distance Counseling or Marriage and Family Therapy Specialization License, may provide Technology Assisted Distance Counseling or Marriage and Family services.~~
- (u) ~~"Traditional Counseling" means any form of Counseling or Marriage and Family Therapy offered or rendered in person, face to face, with the Counselor or Marriage and Family Therapist in the same physical location.~~
- (v) ~~"Group Counseling, Relational Counseling or Group Marriage and Family Therapy" means two or more persons, couples or families meeting with the Counselor or Marriage and Family Therapist.~~
- (w) ~~"Technology" means electronically based hardware, software, video and related systems and telephone systems to deliver knowledge, skills, and tools for learning and communication processes. Technology for Counseling or Marriage and Family Therapy encompasses distance learning and distance counseling by any form of technology system/telephone system delivery s of services. See section XII for the Technology Assisted Distance Counseling definitions.~~
- (x) ~~"Direct Service" means interaction with clients that includes the application of Counseling or Marriage and Family Therapy for human development skills and/or for mental health issues. In general, the term is used to refer to time spent by the Counselor or Marriage and Family Therapist working face to face or directly with individuals or groups.~~
- (y) ~~"Indirect Service" means consultation, case management, paperwork, staffing, billing and test administration when the Counselor or Marriage and Family Therapist is not working directly with the individuals or groups, but the services are directly related to the individuals or groups employing the Counselor or Marriage and Family Therapist.~~
- (z) ~~"Volunteer" means an individual offering volunteer services that is approved by the organization or agency for whom the service is rendered. See IL Exemptions, Section 2.~~

## II. EXEMPTIONS

### Section 2.1 CLERGY

- (a) Clergy appointed and/or endorsed by their local congregation/church, synagogue, denominational institution or agency to practice pastoral counseling as parts of their responsibilities or duties of their ministry assignments are exempt from licensure requirements. The assignment must be authorized and/or endorsed by their local congregation/church, synagogue, denominational institution or agency. International and National licenses/certifications and/or assignments do not supersede state law.
- (b) Any minister, clergy or pastoral counselor who has a private counseling or marriage and family ~~therapist~~ therapy practice (full time or part time) outside of ministry assignment, ~~accepts fees from any source, such as third party payments, clients, donations or the general public~~ must be licensed by this Board.

### Section 2.2 VOLUNTEERS

Individuals who offer volunteer pastoral, marriage and family therapy or counseling services are exempt from licensure requirements as long as their services are authorized and supervised by the local congregation/church, synagogue, denominational institution, agency, or organization for which the service is rendered. Volunteers must abide by the same requirements as the authorizing congregation/church, synagogue, denominational institution, agency or organization.

- (a) Approval is documented by the organization or agency for which the service is rendered. Approval means a description of the assignment and designation of the person/persons responsible for supervising the volunteers (clergy, licensed professionals, etc). Documentation is by letter on the organization or agency letterhead, signed by the Arkansas organization or agency authority approving the service.
- (b) Any fees to recover costs for materials and/or services rendered, whether assigned fees or donations, will be made payable and deposited to the agency, organization, church, or synagogue that has given the approval. Payment of any type, barter or cash, to the volunteer means the volunteer has entered the private sector and must be licensed by the Board.
- (c) An organization or agency includes but is not limited to Arkansas churches, synagogues, military assignments, and The American Red Cross crisis assignments, etc.
- (d) The titles of the volunteers must not be Counselor or Therapist. Acceptable volunteer title examples follow: volunteer, disciple, mentor, lay clergy, shepherd, American Red Cross Disaster Mental Health supervisor or technician.

### III. LICENSING QUALIFICATIONS

#### Section 3.1 Pre-licensure Background Check

- (a) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- (b) The individual must obtain the pre-licensure criminal background check petition form from the Board.
- (c) The Board will respond with a decision in writing to a completed petition within a reasonable time.
- (d) The Board's response will state the reasons for the decision.
- (e) All decisions of the Board in response to the petition will be determined by the information provided by the individual.
- (f) Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
- (g) The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

#### Section 3.4~~2~~ LICENSED ASSOCIATE COUNSELORS (LAC)

In order to be eligible as a Licensed Associate Counselor, an applicant:

- (a) Must have received a graduate degree that is primarily professional counseling in content from a regionally accredited institution. The graduate semester hours must meet or exceed the national academic and training content standards adopted by the Board ~~and~~ or the Council for the Accreditation of Counseling and Related Educational Programs (CACREP/~~CORE~~) ~~or equivalent~~;
- (b) Must demonstrate professional competencies by passing written examinations, ~~oral,~~ ~~and situational~~ and/or oral examinations interview prescribed by the Board;
- (c) Must arrange supervision with a Board-approved LAC supervisor and have the ~~plan~~ agreement for the supervision approved by the Board prior to license issue;
- (d) Must have met the criminal background check mandated by Ark. Code Ann. § 17-27-313;
- (e) Must be a citizen of the U.S. or have ~~an immigration green card to document and verify legal alien work status in the U.S. as indicated by a valid Social Security~~



Number. current documentation of legal alien work status issued by the U.S. Citizenship and Immigration Services.

- (f) ~~The intent of the law is for the required three years (3000 clock hours) of supervision as a Licensed Associate Counselor (LAC) to be training with the intent to become a Licensed Professional Counselor (LPC). The intent of the law is not for the LAC license to be a permanent license. The LAC is not intended to be a permanent license.~~

### Section 3.23 LICENSED PROFESSIONAL COUNSELORS (LPC)

In order to be eligible as a Licensed Professional Counselor, an applicant:

- (a) Must meet the requirements of Section 3.42 with the exception of (c); and
- (b) Must provide evidence of ~~three years (3000 clock hours)~~ three thousand (3000) client contact hours of supervised full-time experience, ~~as defined by the Board, in professional counseling acceptable to the Board. beyond the Master's Degree. One year (1000 hours) of experience may be gained for 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.~~

### Section 3.34 LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS (LAMFT)

In order to be eligible as a Licensed Associate Marriage and Family Therapist, an applicant:

- (a) 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 or exceed the national academic and training content standards adopted by the Board ~~from or~~ the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE/AAMFT) ~~or the Council for Accreditation Counselor Related Education Programs (CACREP/CORE)~~ or equivalent;
- (b) Must demonstrate professional competencies by passing written examinations, ~~oral, and situational and/or oral~~ examinations interview prescribed by the Board;
- (c) Must arrange supervision with a Board-approved ~~Licensed Associate Marriage and Family Therapist~~ LAMFT supervisor and have the ~~plan~~/agreement for supervision approved by the Board prior to license issue;
- (d) Must have met the Criminal Background Check mandated by ~~Act 1317 of 1997 Ark.~~ Code Ann. § 17-27-313;

- (e) ~~Must be a citizen of the U.S. or have an immigration green card to document and verify legal alien work status in the U.S. as indicated by a valid Social Security Number, current documentation of legal alien work status issued by the U.S. Citizenship and Immigration Services.~~
- (f) ~~The intent of the law is for the required three years (3000 clock hours) of supervision as a Licensed Associate Marriage and Family Therapist (LAMFT) to be training with the intent to become a Licensed Marriage and Family Therapist (LMFT). The LAMFT license is not intended to be a permanent license.~~

### Section 3.45 LICENSED MARRIAGE AND FAMILY THERAPISTS (LMFT)

In order to be eligible as a Licensed Marriage and Family Therapist, an applicant:

- (a) ~~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 of Counseling and Related Educational Programs (CACREP/CORE/COAMFTE Standards or the American Association of Marriage & Family Therapy (AAMFT) Must meet the requirements of section 3.4, with the exception of (c); and~~
- (b) ~~Must demonstrate professional competencies by passing written, oral, and situational examinations prescribed by the Board;~~
- (c) ~~Must have met the Criminal Background Check mandated by Act 1317 of 1997;~~
- (d) ~~Must be a citizen of the United States or have a green card to document and verify legal alien work status in the U.S. The green card must be current and issued by the United States Immigration Bureau; and~~
- (e) ~~(b) Must provide evidence of three years (3000 clock hours) three thousand (3000) client contact hours of supervised full-time experience, as defined by the Board, in marriage and family therapy acceptable to the Board, beyond the Master's Degree. One year of experience may be gained for 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.~~

### Section 3.5 Dual Credential / Licensure

~~For practitioners who possess both the LAC/LPC & and LAMFT/LMFT, a single licensure certificate will be available at a reduced cost. This is not a new licensure category;~~



~~only a different certificate. The Continuing Education requirement will be 24 hours, with 3 hours minimum in Ethics. The remaining 21 hours must indicate a balance between counseling and marriage & family continuing education.~~

### **Section 3.6—Specializations**

- (a) ~~The Board 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, Coaching, Career Counseling, School Counseling, Gerontological Counseling, Counseling Supervision, Drug & Alcohol, Addictions, Appraisal, Art, Music, Mediation, Technology assisted Counseling or Marriage and Family Therapy, Technology assisted Supervision, Traditional Supervision, Recreation Therapeutic Counseling, Applied Behavior Analysts, Play Therapy, Dance Therapy, Neurofeedback, Therapeutic Humor, EMDR, Animal Assisted Therapy, Eating Disorders, Trauma, Treatment of Sexual Abusers, Grief and / or other specified counseling areas as identified. If no national standards are available, the Board will adopt the highest Arkansas standards available.~~
- (b) ~~Specialization licenses will be granted to individuals who hold the LPC, LAC, LAMFT, or LMFT license and are in good standing with the Board. The applicant for the specialization license who holds certification, registry, or license issued by recognized and Board approved national associations or credentialing bodies will submit that documentation. All certifications received directly from the National Board for Certified Counselors (NBCC) or the American Association for Marriage and Family Therapist AAMFT) will be accepted as evidence of specialization. If no national standards are available the Board will adopt the highest Arkansas state standards available for that specialization.~~
- (c) ~~Specializations currently approved are: include:~~

School	Hypnotherapy
Career	Pastoral Counseling
Rehabilitation	Supervision LAC
Appraisal	Supervision LAMFT
Drug & Alcohol	Play Therapy
Addictions	Dance Therapy
Art Therapy	Neurofeedback
Mediation	Technology Assisted Counseling
Coaching	Technology Assisted Supervision
Recreation	Behavior Analyst/Therapeutic Specialist
Music Therapy	Therapeutic Humor

~~EMDR \_\_\_\_\_ Eating Disorders \_\_\_\_\_~~  
~~Animal Assisted Therapy \_\_\_\_\_ Trauma \_\_\_\_\_ Grief \_\_\_\_\_~~  
~~Treatment of Sexual Abusers (ATSA) \_\_\_\_\_~~

### **Specialization Standard Bodies**

~~School Counselors:~~

~~<https://www.schoolcounselor.org/asca/media/asca/home/SCCompetencies.pdf>~~

~~Hypnotherapy: [http://www.natboard.com/index\\_files/page358.htm](http://www.natboard.com/index_files/page358.htm)~~

~~Career Counselors: <http://www.neda.org/aws/NCDA/pt/sp/guidelines>~~

~~Pastoral Counselors: <http://www.aape.org/Default.aspx?sid=74&NavPTypeId=1184>~~

~~Rehabilitation: <https://www.crecertification.com/eligibility-requirements>~~

~~Supervision (LAC): <http://www.eee-global.org/ACS>~~

~~Supervision (LAMFT)~~

~~[http://www.aamft.org/imis15/documents/approved\\_supervisor\\_handbook.pdf](http://www.aamft.org/imis15/documents/approved_supervisor_handbook.pdf)~~

~~Drug & Alcohol: <http://www.naadae.org/mae>~~

~~Addictions: <http://www.nbcc.org/Certification/MasterAddictionsCounselor>~~

~~Play Therapy: <http://a4pt.site-ym.com/?page=Credentials>~~

~~Dance Therapy: <http://www.adta.org/DMTCB>~~

~~Art Therapy: <http://www.ateb.org/>~~

~~Neurofeedback: <http://www.beia.org/i4a/pages/index.cfm?pageid=3435>~~

~~Mediation: <http://www.msb.org.au/mediator-standards/standards>~~

~~Tech-Assisted:~~

~~<http://www.nbcc.org/Assets/Ethics/NBCCPolicyRegardingPracticeofDistanceCounselingboard.pdf>~~

~~Coaching: <http://www.eee-global.org/Credentialing/BCC>~~

~~Recreation: <http://netre.org/about-certification/certification-standards/>~~

~~Behavior Analyst, Therapeutic Specialist: <http://baeb.com/>~~

~~Music Therapy: <http://www.ebmt.org/>~~

~~Therapeutic Humor: <http://www.aath.org/aath-code-of-ethics>~~

~~EMDR: <http://www.emdria.org/?page=21>~~

~~Eating Disorders: <http://www.iaedp.com/certification/certification.htm>~~

~~Animal Assisted Therapy: <http://www.animaledu.com/Programs/Animal-Assisted-Therapy>~~

~~Trauma: <http://traumapro.net/certification/certified-clinical-trauma-professional.cetp/>~~

~~Grief: <http://aihep.net/american-academy-of-grief-counseling/>~~

~~ATSA: <http://www.atsa.com/atsa-practice-guidelines>~~

- ~~(d) Specialization license clarification for the following: (1) Pastoral Counseling specialization license standard for issue for Clergy who are licensed by this Board and who are credentialed as member, fellow, or diplomat by the American Association of Pastoral Counselors (AAPC) or Association for Clinical Pastoral Education (ACPE).~~
- ~~(e) Rehabilitation Counselor specialization license standard for issue being for Counselor/Therapist who are licensed by this Board and who are credentialed by the Commission on Rehabilitation Counselor Certification (CRCC).~~
- ~~(f) Appraisal Specialization license standards for issue being (A) or (B) and (C)~~
  - ~~a. The curriculum and assessment experience standards acceptable for the School Psychology Specialist Specialization Certification/License issued by the Arkansas State Department of Education.~~
  - ~~OR~~
  - ~~b. The standards for the School Psychologists from the National Association of School Psychologists (NASP).~~
  - ~~c. Documentation of a passing score on the School Psychologist Examination (Praxis II) Code 0400 from Educational Testing Service (ETS) required for (A) or (B).~~
- ~~(g) Supervision Specialization license standards for issue being:~~
  - ~~a. Three (3) years' experience as a Licensed Professional Counselor and/or a Licensed Marriage and Family Therapist~~
  - ~~b. Good standing (as LPC and/or LMFT) in Arkansas~~

- ~~e. Documentation of one of the following:~~
  - ~~i. A doctorate, primarily counseling/therapy in content, which included both course work in supervision (specific to the supervision license, LAC or LAMFT) and supervised experience in supervision; or~~
  - ~~ii. A completed, advanced three (3) credit hour graduate course in clinical supervision (specific to the supervision license, LAC or LAMFT) which included eighteen (18) hours of supervised experience in supervision arranged as part of the graduate course. This class must be taken post full licensure as LPC unless the class is/was part of doctoral studies prior to licensure.~~
- ~~d. Must submit and have Board approval of:~~
  - ~~i. A typed description of his/her theoretical orientation to supervision (specific to the supervision license, LAC or LAMFT), including model of supervision, and techniques of practice;~~
  - ~~ii. A signed code of ethics agreement and a group supervision plan and forms;~~
  - ~~iii. An Oral Examination with the Board~~
- ~~(h) Mediation Specialization license standard for issue being the Certification Standards established by the Arkansas Commission for Mediation.~~
- ~~(i) Thanatology and Grief Counseling specialization license standard for being the Certification Standards established by the Association of Thanatology and Grief Counseling.~~
- ~~(j) Technology Assisted Distance Counseling or Marriage and Family Therapy Specialization license standards for issue for Counseling or Marriage and Family Therapy or Supervision being:~~
  - ~~a. A licensed LPC/LAC or LMFT/LAMFT in good standing with the Board must apply for the Technology assisted Distance Counseling or Marriage Family Therapy specialization license and submit documentation of training for approval by the Board. As training sources are developed, the responsibility for seeking Board endorsement for the training rests with the provider of the training. The provider must submit a written request with materials documenting the training content for Board review and approval prior to endorsement of the training.~~
  - ~~b. The written submission of a detailed plan that delineates how the applicant~~

~~will meet provisions of the Board adopted American Counseling Association Code of Ethics and the Standards regulating Technology Assisted Distance Counseling or Marriage and Family Therapy for Board approval.~~

- ~~e. Revised Statement of Intent (scope of practice) that includes a description of the Technology Assisted Distance Counseling or Marriage and Family Therapy.~~
- ~~d. The Board may require an oral examination if there are unresolved questions about requirements (9) (AF).~~
- ~~e. The submitted materials must be approved by the Board prior to the Technology Assisted Distance Counseling or Marriage and Family Therapy Specialization license being issued.~~
- ~~f. Any Technology Assisted Distance Counseling or Marriage and Family Therapy that occurs within the State of Arkansas, whether by an Arkansas counselor or by an out of state Counselor or Marriage and Family Therapist, is deemed to have occurred in Arkansas. All providers of services whether traditional or Technology Assisted who may offer or provide Counseling or Marriage and Family Therapy services to individuals or groups must hold a valid Arkansas license to provide such services.~~
- ~~g. (e)Specialization requests not already specified will be reviewed by the Board and standards established as needed.~~
- ~~h. (d)Licensed Counselors or Therapist who apply for a specialization license will be issued such license upon completion of the application for a specialization, documentation of a valid national or required credential (certificate, registry, or license), pass on the oral examination (if required), payment of the specialization fee and approval by majority vote of the Board.~~

### Section 3.76 GRADUATE COURSE REQUIREMENTS

- (a) The applicant must have received a graduate degree from a regionally accredited institution of higher education that is primarily professional counseling or therapy in content and document completion of a minimum of 60 graduate semester hours in course work, counseling/therapy in content, that meet the academic and training standards established by the Board. The counseling programs, from which the degree/courses are earned, within the institution, shall meet the standards for the preparation of counselors by the specific national professional associations related to each license.
- (b) ~~The adopted standards of the national accrediting body, The Council for Accreditation of Counseling and Related Educational Programs (CACREP/CORE) for Licensed Associate Counselor (LAC) and for Licensed Professional Counselor~~

~~(LPC). Endorsed and adopted as parallel are the standards of the following: The Council on Rehabilitation Education (CORE, Standards), the United States Department of Education (USDE), and the Council for Higher Education Accreditation (CHEA). Other nationally recognized accrediting bodies will be reviewed for Board endorsement as needed. The adopted standards for LAC and LPC are the current Council for Accreditation of Counseling and Related Educational Programs (CACREP) standards and must meet Arkansas core curriculum standards.~~

- (c) ~~The adopted standards for Licensed Associate Marriage and Family Therapist (LAMFT) and Licensed Marriage and Family Therapist (LMFT) are the current Commission on Accreditation for Marriage and Family Therapy Education Standards (COAMFTE) or current CACREP/CORE Standards for Marriage and Family Therapy or the current Association of Marriage & Family Therapy (AAMFT) standards. standards and must meet Arkansas core curriculum standards.~~
- (d) ~~Documentation from the institution issuing the credit may be required in addition to the Core Curriculum section of the application to verify that all course standards are met if the institution has not previously filed and gained approval for courses with the Arkansas Board. Additional documentation from the issuing institution may be required to verify that all course standards are met.~~
- (e) Core Curriculum for LAC or LPC includes:
  - a. 1. Professional Identity and Ethics, (3 Graduate Credit Hour Minimum)
  - b. 2. Social and Cultural Diversity, (3 Graduate Credit Hour Minimum)
  - e. 3. Human Growth and Development, (3 Graduate Credit Hour Minimum)
  - d. 4. Career Development, (3 Graduate Credit Hour Minimum)
  - e. 5. Helping Relations, (3 Graduate Credit Hour Minimum)
  - f. 6. Group Work, (3 Graduate Credit Hour Minimum)
  - g. 7. Assessment, (3 Graduate Credit Hour Minimum)
  - h. 8. Research and Program Evaluation, (3 Graduate Credit Hour Minimum)
  - i. 9. Practicum and/or Internships, (9 Graduate Credit Hour Minimum in 3 Graduate Courses over a minimum of 6 months )
  - j. 10. Abnormal Psychology/Psychopathology, including DSM and ICD training (3 Graduate Credit Hour Minimum)
  - k. 11. Family and Relationship (3 Graduate Credit Hour Minimum)
  - l. Psychopharmacology (3 Graduate Credit Hour Minimum)
  - m. 12. Technology Assisted Counseling, (1 Graduate Credit Hour Minimum)
- (f) Core Curriculum for LAMFT or LMFT includes:
  - 1. Foundations of Relational/Systemic Practice, (6 Graduate Credit Hour Minimum in 2 Graduate Courses)
  - 2. Clinical Treatment with Individuals, Couples and Families, (6 Graduate Credit Hour Minimum in 2 Graduate Courses)
  - 3. Diverse, Multicultural and/or Underserved Communities, (3 Graduate Credit Hour Minimum)



4. Research & Evaluation, (3 Graduate Credit Hour Minimum)
5. Professional ~~Identity~~, Law, Ethics and Social Responsibility, (3 Graduate Credit Hour Minimum)
6. Biopsychosocial Health & Development Across the Life Span, (3 Graduate Credit Hour Minimum)
7. Systemic/Relationship Assessment & Mental Health Diagnosis, (3 Graduate Credit Hour Minimum)
8. Practicum/Internships, (9 Graduate Credit Hour Minimum in 3 Graduate Courses over a minimum of 9 months)
9. Technology Assisted Counseling, (1 Graduate Credit Hour Minimum)

~~(f) International degree(s) relied on in applying for a license of any kind from the Arkansas Board must be submitted with an English translation and certification from a credential evaluation service. These agencies must certify that the international degree is equivalent to a United States graduate degree. All cost for the certification is the responsibility of the applicant. The applicant may contact the Board office for information about approved agencies that provide the services.~~

(g) All graduate course hours used in the application for any license issued by the Arkansas Board must have a "B<sub>-</sub>" grade or above. Grades of "C<sub>+</sub>" or below will not be accepted for licensure purposes.

~~(h) Distance/Cyber/Electronic education degrees will be treated the same as onsite education degrees if the degrees are primarily professional counseling or marriage and family therapy in content and are earned from a regionally accredited institution of higher education and the distance education degree programs are accredited as required, ((j)) (AH).~~

~~CACREP/CORE. Courses must be graduate credit, meet the CACREP/CORE/COAMFTE/AAMFT standards, and meet the American Counselor Educators and Supervisors (ACES) course guidelines. ACES Technology Interest Network course quality items are adopted for distance learning courses.~~

~~Cyber/Distance learning includes cyber/distance (electronic) learning/education. The definition of distance learning/education acceptable to the Board for licensure purposes is a formal education process in which instruction occurs when the student and instructor are not located in the same place. Distance learning adds technology to the learning environment by a variety of means, such as web sites, e mail and video conferencing. Instruction may be synchronous or asynchronous. Videos may not comprise more than 20% of the instruction time in any one course.~~

(i) ~~The responsibility for documenting that each course, content and presentation, meets the standards for Board endorsement and acceptance is the responsibility of the granting institution and the applicant. The Board review and acceptance/denial of each Cyber/Distance/Electronic course is mandated prior to the~~

~~application being processed for any Arkansas license issued by the Board.~~

(h) Online education will be treated the same as traditional education if the program is primarily professional counseling or marriage and family therapy in content and is earned from a regionally accredited institution of higher education and are recognized by National Council for State Authorization Reciprocity Agreement (NC-SARA).

- (j) ~~Institutions of higher education that have graduate counselor education and related graduate programs that are not accredited by CACREP/CORE//COAMFTE/AAMFT must seek endorsement from the Arkansas Board. The Board accepts certification/accreditation from the following, in addition to, ACREP/CORE/COAMFTE/AAMFT: The Council on Rehabilitation Education (CORE) the Council for Higher Education Accreditation, (CHEA). Institutions accredited by other nationally recognized accrediting bodies must seek and secure endorsement to the adopted standards from the Arkansas Board of Examiners in Counseling. Board endorsement must be completed prior to applications and course work of graduates from those programs being processed. The institution seeking endorsement~~

(i) Institutions of higher education that have graduate counselor education and related graduate programs that are not accredited by CACREP/COAMFTE must be regionally accredited and coursework must be approved by the Board. Applicants must submit the following information for Board review:

- a. 1. Two (2) graduate catalogs;
- b. 2. A completed Core Curriculum for the 60 hour requirements; and effective January 1, 2003 with the course numbers and titles from the graduate program;
- c. 3. A copy of each syllabus listed on the Core Curriculum if requested by the Board;
- d. A letter from the university verifying that the content of the courses are equivalent to the current CACREP/CORE Standards. The CACREP/CORE Standards are the standards used for a transcript to be processed for licensure purposes;
- e. Documentation that the quality of each course meets the Course Quality Guidelines, of ACES Guidelines;
- f. A copy of the distance learning program or traditional program approval/accreditation from the accrediting/certifying agency that has accredited the university degree program/programs;
- g. The software used for distance learning platform; and



- ~~h. Any other materials the university would like to submit to the Board to support the institution's endorsement request.~~
- ~~i. —~~
- ~~j. When the information (j) (k) (1-8) is received, reviewed, and approved by the Board, the administrative office staff may use the information to review current and future transcripts from graduates of the endorsed institution. The institution has the responsibility to keep the syllabi and other university materials current to expedite any applications received from graduates of the institution. The institution has the responsibility to ensure that all courses meet the requirements set forth in the Rules/Regulations.~~

### Section 3.8 Waiver Request for Offenses on Background Check

- (a) If an individual has been convicted of an offense listed in A.C.A. §17-2-102(a), except those permanently disqualifying offenses found in A.C.A. §17-2-102(e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
  - 1. An affected applicant for a license; or
  - 2. An individual holding a license subject to revocation.
- (b) The Board may grant a waiver upon consideration of the following, without limitation:
  - 1. The age at which the offense was committed;
  - 2. The circumstances surrounding the offense;
  - 3. The length of time since the offense was committed;
  - 4. Subsequent work history since the offense was committed;
  - 5. Employment references since the offense was committed;
  - 6. Character references since the offense was committed;
  - 7. Relevance of the offense to the occupational license; and
  - 8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
- (c) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
- (d) The Board will respond with a decision in writing and will state the reasons for the decision.
- (e) An appeal of a determination under this section will be subject to the Administrative Procedures Act §25-15-201 et seq.

## IV. SUPERVISION

### Section 4.1 SUPERVISION CONTENT

- (a) Supervision for the LAC Associate Counselor in Arkansas must be provided by a

~~practitioner who is a Licensed Professional Counselor LPC, in Arkansas who holds approved supervisor status from the Board and whose license is valid (i.e. not suspended due to delinquent renewal or disciplinary action) in good standing.~~

~~Supervision hours for applicants moving into the state must be approved by the Board.~~

~~The Standards for Clinical Approved Supervisor (CAS) by the National Board for Certified Counselors 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 Counselors for the protection of the client.~~

- (b) Supervision for the LAMFT Associate Marriage and Family Therapist in Arkansas must be provided by a practitioner who is a Licensed Marriage and Family Therapist LMFT; in Arkansas who holds approved supervisor status from the Board, and whose license is current (i.e., not suspended due to delinquent renewal or disciplinary actions). in good standing.

~~Supervision hours for applicants moving into the state must be approved by the Board.~~

~~The Standards for Clinical Approved Supervisor (CAS) by the National Board for Certified Counselors 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 protection of the client.~~

(c) Supervision hours for applicants moving into the state must be approved by the Board, unless the applicant has held a current full license in good standing for three (3) years from their state of origin. In this case the Board will review the applicants file under the "Licensure by Endorsement" (Section 9.1).

- (c) (d) Counselors or Marriage and Family Therapists licensed at the associate level must complete approximately three (3) years or 3000 Client Contact Hours (CCH) with supervision. The ratio for both the LAC and LAMFT will be one (1) hour of supervision for every ten (10) hours of client contact for the first five hundred (500) direct CCH (Level 1); and then one (1) hour of supervision for every twenty (20) client contact hours CCH for the remaining twenty-five hundred (2500) hours (Level 2). A direct client contact hour is defined as face-to-face contact with a client(s) in a therapeutic engagement interaction with individuals or groups.

(e) The LAC and LAMFT are required to have a minimum of 3000 hours of client contact, 2200 hours defined as direct client contact. No more than 800 hours of indirect client contact may be counted in Level 2. Indirect Client Contact means consultation, case management, paperwork, staffing, billing and test

administration when the clinician is not working face-to-face with the individuals or groups, but the services are related to the direct care of the individual or groups.

~~The LAC and LAMFT are required to have a minimum of 3000 hours of client contact, 2200 hours defined as work related to direct, face to face counseling practice and 800 hours of indirect client contact. The supervisee may accumulate more than 800 hours, but they do not reduce the 1700 direct client contact hours required to complete the 3000 hours of supervised practice.~~

During the first 500 hours of supervision, no indirect hours will be applicable. The total hours of supervised practice will remain 175 clock hours of supervision. Supervisors may engage in Dyad /Triadic supervision after the first 500 hours in addition to traditional group supervision.

- ~~(d) LAMFTs must have a minimum of fifty percent (50% or 1500 hours) direct client contact hours in family/relational/group/systemic sessions.~~
- (f) The total hours of supervised practice are 175 clock hours of supervision.
- ~~(e) Group sessions are reported in clock hours of the sessions, not the clock time multiplied by the number of persons in the group.~~
- (g) During the first 500 direct client hours (Level 1), no indirect hours can be counted.
- (h) Dyadic supervision (1 supervisor and 2 supervisees) is recorded as individual supervision.
- ~~(f) Group supervision may not exceed half of the total Board specified supervision requirements. A supervision group is defined as consisting of three (3) to six (6) supervisees with the contracted supervisor. In addition to this increase in group members, Supervisors may engage in Dyadic Supervision (Supervisor and two (2) supervisees), sometimes also referred to as Triadic Supervision, and list it as Individual Supervision.~~
- (i) Group supervision may not exceed half of the 175 hours of supervision. A supervision group consists of 3 to 6 supervisees with the contracted supervisor. Group supervision may be counted in both levels.
- ~~(g) For the purpose of supervised clinical practice, hours spent conducting Psycho-educational groups (whether inpatient/outpatient or at other locations) may not be credited as direct client contact hours.~~
- (j) Technology assisted supervision cannot exceed 50% of supervision hours. Technology assisted supervision may be counted in both levels.
- ~~(h) The contracted supervisor may not delegate supervision responsibility to any other individual. The contracted supervisor should have an emergency plan on~~

~~file if he/she were to be unavailable.~~

(k) LAMFTs must have a minimum of 1000 direct client contact hours in family/relational/group therapy.

(l) Group therapy sessions are reported in clock hours of the sessions, not the clock time multiplied by the number of clients in the group.

- (i) ~~(m)~~Post-master's course work necessary for application for an Arkansas license may not be applied to the required supervised work experience in accordance with the rules and regulations.

- (j) ~~Post-master's course work may be applied toward supervised experience in accordance with the rules and regulations governing both Licensed Professional Counselors and Licensed Marriage and Family Therapists. The Board may accept thirty (30) hours of acceptable graduate coursework with the exception of Section 4.1 (i). These hours will adhere to the '80 – 20' rule, meaning 80 hours will go toward direct hours & 20 hours will go toward indirect hours.~~

(n) A licensee may reduce CCH/Supervision hours by completing any of the following:

1. One hundred (100) CCH may be gained for each three (3) graduate semester hours earned beyond the master's degree, provided that the hours are clearly related to the field of counseling or marriage and family therapy and are acceptable to the Board. Up to two thousand (2000) CCH may be gained for each sixty (60) graduate hours.

2. The LAC/LAMFT may petition the Board in writing to take the National Clinical Mental Health Counselor Exam (NCMHCE), with recommendation of the contracted supervisor, upon the completion of Level 1. When approved, the applicant may apply to the National Board for Certified Counselors (NBCC) and take the NCMHCE. A passing score on the NCMHCE will reduce the number of CCH required by 500. The applicant will send test application and test fee directly to NBCC.

- ~~(k) The LAC/LAMFT may choose to take the NCMHCE: The National Clinical Mental Health Counseling Examination (NCMHCE) option is available for the Licensed Associate Counselor (LAC) and the Licensed Associate Marriage and Family Therapist (LAMFT) who petitions for the Licensed Professional Counselor (LPC) or the Licensed Marriage and Family (LMFT) license upon completion of the required supervised Client Contact Hours (CCH) as a Licensed Associate Counselor (LAC) or Licensed Associate Marriage and Family Therapist (LAMFT).~~

- ~~(l) The LAC/LAMFT may petition the Board to take the NCMHCE with recommendation of the contracted supervisor upon the completion of 2000 client contact hours. When approved, the applicant may apply to NBCC and take the NCMHCE. The passing score will be the national cut-off score. A pass score on the NCMHCE will be equated to 500 Client Contact Hours (CCH) and applied to the total hours required for completion of supervision.~~

- ~~(m) When the passing score on the NCMHCE, all supervised CCH's are completed and documented, revised Statement of Intent and LAC/LAMFT license fee are received, the LPC or LMFT license may be issued and supervision may cease.~~
- ~~(n) Test dates for the NCMHCE will be the same as the dates established for the NCE and all examinations will be administered by NBCC or a designate. The candidate will send test application and test fee directly to NBCC.~~
- ~~(o) Practitioners who are fully licensed for independent practice, and meet all the requirements for both the LPC and the LMFT, and who would prefer a single license to reflect those competencies, may elect to have a single, dual credential at a reduced fee. There are no additional requirements, the renewal period will remain two (2) years and the Continuing Education requirements will be the same as any other license category (24 CEUs every two (2) years.~~

#### Section 4.2 SUPERVISEE REQUIREMENTS AND RESTRICTIONS

~~All Licensed Associate Counselors must have a Board approved supervision plan/agreement prior to providing any counseling services. 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 may result in license suspension or revocation.~~

- ~~(a) All Licensed Associate Marriage and Family Therapists~~ All LAC and LAMFT must have a Board- approved supervision ~~plan/agreement prior to providing any therapy services. The Licensed Associate Marriage and Family Therapists~~ LAC/LAMFT must notify the Board immediately and in writing of any proposed change in supervisors. ~~The Licensed Associate Marriage and Family Therapists~~ LAC/LAMFT must obtain Board approval of any change in supervisors. Failure to maintain an approved current supervision agreement may result in license suspension or revocation.
- ~~(b) Counselors or Marriage and Family Therapists licensed at the associate level may offer professional counseling services beginning the date of approval on a valid and current supervision agreement filed with the Board and be under the supervision of a Board licensed~~approved ~~supervisor. Not one client may be seen prior to that date. No clients may be seen by the associate licensee if the supervision agreement has expired and a new one has not been Board approved. There is no grace period for a supervision agreement that has expired; the associate licensee must cease and desist practice the expiration date of the agreement. Both supervisee and supervisor are responsible for being cognizant of the expiration date and for maintaining a current supervision agreement.~~
- (c) The LAC or LAMFT is the responsible party for:



- a. Maintaining a current, valid, and approved supervision ~~contract~~ agreement on file with the Board prior to providing any counseling services. The primary responsibility is with the LAC or LAMFT, but is a shared responsibility with the supervisor. **Any practice or service rendered by the supervisee or any supervision by the supervisor becomes illegal at 12:01 midnight the expiration date of the agreement.**
  - b. Maintaining an accurate Statement of Intent (~~Scope of Practice~~) and filing a copy of the current Board approved statement with the supervisor of record.
  - c. ~~Submission of supervision reports each six (6) months.~~ Submission of client contact hours report and evaluation completed with the supervisor every six (6) months.
- (d) Supervisees must carefully avoid multiple relationships with supervisors that interfere with the supervisory relationship; such as, having the ability to hire or dismiss the supervisee from employment.

### Section 4.3 SUPERVISOR REQUIREMENTS AND RESTRICTIONS

#### (a) Board Approved Supervisor Requirements

1. Supervisor must be fully licensed for three (3) years and be in good standing as a LPC and/or a LMFT in Arkansas.
2. Supervisor must document the completion of three (3) hour post-masters graduate course in clinical supervision which included eighteen (18) hours of supervised experience in supervision.
3. Supervisor must submit the Board Approved Supervisor Status application and fee.
4. Prior to receiving the Approved Supervisor Status, applicant must complete an Oral interview.

#### (b) Supervisor Restrictions

- a. 1. A Counselor or Therapist, holding a ~~Supervision Specialization License~~ Board Approved Supervisor Status, shall not sign new supervision plans/agreements if supervisor's license has not been renewed or if the supervisor is under investigation. If under investigation, no new contracts may be signed or submitted to the Board until all reviews, hearings, or disciplinary actions (if any in progress) are completed and resolved.
- b. 2. Supervisors will be limited to twelve (12) supervision ~~contracts~~ agreements at any given time. Exceptions to the limitation of twelve (12) may be made only at Board initiated request to a designated supervisor.

- e. 3.The Board office staff may not approve supervision ~~contract~~/agreements to exceed twelve supervisees (12) for any one supervisor.
- d. 4.Supervisors must have a Board approved copy of a supervision ~~plan~~/agreement dated prior to providing supervision to a LAC or LAMFT.
- e. 5.Board approved supervisors of LAC/LAMFT must carefully avoid multiple relationships with supervisees that interfere with the supervisory relationship; such as, administrative supervisors within agencies with any level of direct or indirect administrative authority over the supervisee.
- f. ~~The supervisor and the supervisee are both the responsible parties for maintaining a current Board approved supervision agreement/plan. Any practice or service rendered by the supervisee or any supervision by the supervisor becomes illegal at 12:01 midnight the expiration date of the agreement.~~ 6. The contracted supervisor may not delegate supervision responsibility to any other individual. The contracted supervisor should have an emergency plan if he/she were to be unavailable.
- g. ~~Supervisors are required to attend one (1) Board approved / sponsored / recognized supervisor training per licensure renewal period. These recognized trainings are available from Board recognized state associations (ArMHCA, ArACES, ArCA, ArMFTA, ArLCA, ArSCA & ArMHEA) and at other Board recognized and designated times and places such as regional or national conferences.~~

#### Section 4.4 SUPERVISION REPORTS AND EVALUATIONS

- (a) Supervision evaluations and Client Contact Hours reports are due every six (6) months regardless of the number of CCH accumulated.
- (b) The LAC or LAMFT is the party responsible for submission of supervision reports and evaluations every six (6) months.
- (c) The maximum of a thirty (30) day grace period, following the scheduled due date, is allowed for the Board to receive the six (6) month reports and evaluations.
- (d) Reports submitted over thirty days late will be reviewed by the Board on a case by case basis to determine whether or not the hours will be accepted. The licensee and the supervisor must send written explanation for the late report. The Board will evaluate the stated reasons for the late reports. The Board may request the Supervisor and Supervisee to meet with the Board for additional information prior to making a decision concerning the situation.
- (e) A continual pattern of violation and failure to comply with the ~~law~~ rule may result in an Administrative Hearing for disciplinary action, suspension or revocation of



license.

- (f) The supervisor and the supervisee are both the responsible parties for maintaining a current; Board approved supervision agreement/~~plan. Any practice or service by the supervisee or any supervision by the supervisor becomes illegal at 12:01 midnight the expiration date of the agreement.~~

## V. APPLICATION REQUIREMENTS

### Section 5.1 STATEMENT OF INTENT

The Statement of Intent (~~Scope of Practice~~) to practice must be completed, signed and dated ~~on each page by the applicant.~~ The statement must be consistent with the credentials and specializations documented ~~in the application for licensure and include a satisfactory response to all items on the Statement of Intent (Scope of Practice) form by the licensee~~ and be approved by the Board.

### Section 5.2 TRANSCRIPTS

- (a) Applicants must submit unofficial transcript documentation for Board review. An official transcript conferring the Master's Degree must be submitted prior to issuing the license. The Board office staff will review applicants' transcripts to ensure:
- a. 1. That all academic coursework for licensure has been completed at institutions of higher education having accreditation ~~duy~~ recognized by the Board for degree programs and courses;
  - b. 2. That applicants are minimally qualified to sit for the appropriate written examination(s) by having completed either the required CACREP/~~CORE~~ or COAMFTE/~~AAMFTE~~, or equivalent core curriculum courses; ~~and~~
  - c. 3. That core curriculum courses have been completed prior to admission to written examination/examinations unless exempt under section 6.2 ~~(d)~~(e); and
  - d. 4. That all course grades are B<sub>-</sub> or above.
- (b) If the transcript courses titles are ambiguous or do not adequately convey the pertinent content of the courses, the Board office staff is to request documentation of content from the applicant for clarification purposes.

### ~~Section 5.3~~ PROOF OF SUPERVISION

~~The applicant (licensed in another state or with an Arkansas state agency) will submit a record of post master's supervised counseling work related experience and/or Marriage and Family Therapy work related experience for Board approval. The approved experience will~~



~~determine the applicant's license (Associate or Professional) level.~~

#### Section 5.43 REFERENCES

- (a) The applicant will submit a minimum of four (4) references. Copies of references sent directly from other state boards or university placement centers will be accepted by endorsement if no more than five years old. The applicant must include references from two (2) full time or part time faculty members in the degree granting training program, one (1) supervisor of the applicant's clinical work and one (1) from another mental health professional. If the applicant has been licensed for more than three (3) years from another state, then faculty references are not required. Four (4) references are required from those familiar with the applicant's practice skills.
- (b) The Board will not accept evaluations recommendations, and documentation of supervised experience from persons related either by blood (~~both lineal and collateral consanguinity~~) or marriage (~~affinity~~). Current members of the Board may not submit references for the applicants.
- ~~(c) If a Board member supervised an applicant in graduate courses, the supervision may be documented and verified by that Board member. A Board member will not lead the Oral Examination nor evaluate the application file of a former student.~~
- ~~(d) All forms and instructions included in the application process will be considered part of the rules and regulations of the Board. The forms may not be altered or changed by applicants.~~

#### Section 5.54 BOARD DECISIONS

An affirmative vote of a majority of those Board members present and voting will be held as evidence of the following:

- (a) The applicant has passed an oral ~~examination~~ interview, if required;  
~~The applicant shall successfully complete a situational examination because of unresolved questions that arose during an oral examination;~~
- (b) Application is processed for the Associate or the Professional License as determined by the documented, approved post-master's supervised work experience.
- (c) The applicant has been granted the license based upon satisfactory completion of the application process.

#### Section 5.65 APPLICANT STATUS WITH OTHER PROFESSIONAL ORGANIZATIONS AND BOARDS

Applications from individuals who are under investigation, sanction, probation, disciplinary supervision, revocation, or rehabilitation by counseling, psychology, social work, or other related Boards or credentialing bodies will not be considered for an Arkansas license until documentation from the issuing body is received that the sanctions are removed or completed

#### Section 5.76 DURATION OF APPLICATION

- (a) Applications are active for twelve (12) calendar months from the date the application is received in the Board office.
- (b) If the application process is not completed within (12) twelve months from receipt of the application by the Board, an applicant may request that the Board extend the twelve-month application window. If an extension is not requested, or is denied, the application becomes void and the applicant must apply as a new applicant.
- (c) If new requirements have been placed for applicants in the twelve-month window the Board may require that the new requirements be met within the extension period as part of the application extension approval.
- (d) A second extension period is discouraged and will only be considered by the Board when very unusual, extenuating circumstances are documented.
- (e) Under no circumstances will the Board grant more than two (2) application extensions.

### VI. EXAMINATIONS

#### Section 6.1 GENERAL ADMINISTRATION

- (a) Applicants whose credentials meet the requirements of Ark. Code Ann. § 17-27-301 through 305, will be ~~scheduled for written examinations~~ issued an approval letter from the Board to proceed with the written examination. ~~Oral and/or situational examinations~~ Oral interviews may be required by the Board if deemed necessary.
- (b) ~~The Board staff will compile lists of applicants who have met all requirements for admission to the National Counselor Examination (NCE), American Marriage & Family Therapy Regulatory Board (AMFTRB), and/or National Clinical Mental Health Counseling Examination (NCMHCE) examination(s). The list will be supplied to the national test administrators regularly (weekly on most occasions).~~
- (c) (b) Each year the Board will contract for the administration of:
  - a. 1. The National Counseling Counselor Examinations (NCE) with the National Board for Certifying Certified Counselors (NBCC).

- b. 2.The National Clinical Mental Health ~~Counseling~~ Counselor  
Examinations (NCMHCE) with NBCC.
  - e. 3.The Examinations in Marital and Family Therapy with the Association of  
Marital and Family Therapy Regulatory Boards (AMFTRB).
  - d. 4.The Arkansas Board of Examiners in Counseling Jurisprudence Exam  
with NBCC.
- (d) (c)Cut-off scores established by the national examination agencies for each  
examination date are the minimum scores accepted by the Board for an applicant to  
meet respective written examination requirements for ~~Licensure~~ licensure.
- ~~(e) If the Board votes to deny the license, the applicant will be so notified by certified or~~  
~~signature confirmation mail. Specific reasons for denial will be stated.~~
- (d) An applicant who fails the required written examinations or oral interview must  
wait three (3) months before the next attempt. An applicant will be approved by the  
Board for each subsequent attempt following the three (3) month interval.
- ~~(f) License will be granted to applicants who satisfactorily complete the application~~  
~~process and are approved by a majority vote of the Board.~~
- ~~(g) An applicant who fails required written examination the first time attempted may~~  
~~take it the second time at any date of his/her choice.~~
- ~~(h) If the applicant fails to pass written, oral, or situational examination(s) in two trials,~~  
~~the applicant's application file will be removed from active status. The applicant~~  
~~must wait two years from the date of the second examination and apply as a new~~  
~~applicant meeting any requirements in place the date the new application is~~  
~~received in the Board office.~~
- ~~(i) Prior to an application being processed when an examination has been failed two~~  
~~times, the Board requires:~~
- ~~a. A new application for licensure and examination may not be submitted prior~~  
~~to two years following the date of the second failed examination; and~~
  - ~~b. Documentation of completed additional graduate study in Counseling or~~  
~~Marriage and Family Therapy or other remedial work that the Board may~~  
~~specify.~~

## Section 6.2 WRITTEN EXAMINATIONS

(a) 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 updating. The pass score determined for each examination is the acceptable score determined by the Board to be the pass level.

- (a) ~~(b)~~ All applicants for licensure must complete one of the following applicable written examinations.

a. 1. Counselor applicants must satisfactorily complete the National Counseling Counselor Examination (NCE) or, National Clinical Mental Health Counselor Examination (NCMHCE) unless licensed in another state and required to take the NCMHCE (Section 9(i)) applicant meets criteria as outlined in Section 9.1.

b. 2. Marriage and Family Therapist applicants must satisfactorily complete the American Marriage and Family Therapy Regulatory Board (AMFTRB) examination and meet the national pass score unless applicant meets criteria as outlined in Section 9.1.

- (b) ~~(c)~~ All applicants must provide verification of a successful passing score on the Arkansas Board of Examiners in Counseling Jurisprudence Exam when such exam becomes a part of the application process.

- (c) ~~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 updating. The national pass score determined for each examination by the testing company is the acceptable score determined by the Board to be the pass level to qualify the applicant for the oral and situational examinations.~~

- (d) Submission of application documentation and fees for national written examinations occurs in two (2) steps:

a. 1. Test application and associated fees must be made directly to the national examining organizations for admission to sit for the written examinations. The test applications and fees for written examinations must comply with the test company's deadlines.

b. ~~The licensure application, including transcripts, statements of intent, letters of recommendation and payment of the licensure application fee, must be received by the Board office for the applicant's name to be added to the approved list for test admission.~~

2. The licensure application, unofficial transcripts, core curriculum and fees must be received by the Board office for the applicant to receive approval to take the national exam.

- (e) Persons who are enrolled in the final semester of graduate study in counseling or

marriage and family therapy and have completed or are currently enrolled in the core curriculum courses may be admitted to the written examination by submitting to the Board, with their application, a letter stating their projected graduation date from one of the following college or university officials:

- ~~a. Faculty Internship Coordinator~~
- ~~b. Master's Committee Chair~~
- ~~c. 1. Graduate Coordinator~~
- ~~d. 2. Department Chair~~
- ~~e. 3. Registrar~~
- ~~f. 4. Associate Dean~~
- ~~g. 5. Dean~~

### Section 6.3 ~~ORAL EXAMINATIONS-INTERVIEWS~~

- (a) All individuals applying for licensure may be required to complete an oral examination interview prior to being granted a license. ~~If the applicant is seeking dual licensure, he or she must complete, oral, written and/or situational examinations. Individuals applying for a Supervision specialization license or the Technology Assisted specialization, must successfully pass an oral examination.~~
- (b) Individuals applying for Board Approved Supervisor Status will be required to successfully pass an oral interview.
- (b) (c) An oral examination interview may be scheduled for applicants upon receipt by the Board of the following: a passing score on the written examinations, the applicant's final official transcripts reflecting degree conferred, background checks, and all other application requirements.
- (c) (d) The oral examination interview may include a review of the applicant's Statement of Intent, questions from the Board relative to the profession of counseling/therapy, and questions about credentials submitted with the application.
- (d) If there are unresolved questions, the Board may require an oral examination interview of any applicant.

### Section 6.4 ~~SITUATIONAL EXAMINATIONS~~

- ~~(a) Situational exam—A situational demonstration of counseling or marriage and family therapy skills may be requested by the Board in the form of a DVD/CD, other technology assisted methods, (example Skype) or live demonstration. A consent and release statement signed by each participant must accompany such session. 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 session or demonstration. At least one reviewer will have specialized knowledge appropriate to the review.~~



- ~~(b) The Board does not routinely require a situational examination be passed prior to oral examination. The Board may request a situational examination be administered and passed if the applicant does not successfully complete the oral examination or if the Board has unresolved questions about the competency and/or skills of the applicant.~~
- ~~(c) The situational examination may consist of a video recording, technology assisted methods, to be determined by the Board, of the applicant engaged in a eounseling interaction with an internship client or volunteer.~~
- ~~(d) Volunteer clients who participated in the situational examination may not be persons related either by blood (both lineal and collateral consanguinity) or marriage (affinity) or from other inappropriate multiple relationships with the applicant.~~
- ~~(e) When the Board requires a situational examination, a signed and witnessed consent form signed by the client, even if a volunteer, must accompany the submitted video.~~
- ~~(f) Evaluation of the situational examination is based on demonstration of basic counseling skills on the part of the applicant appropriate to the content, effect, and behavior of the client/volunteer. The examination and the Board member reviews and evaluation forms signed by the Board members will be retained in the applicant's file.~~

#### Section ~~6.5~~ 6.4 UNRESOLVED QUESTIONS

- (a) Should the Board have unresolved questions of competence it may require any one or all of the following:
  - (a) Additional academic work;
  - (b) Additional supervised experience;
  - (c) Additional training;
  - (d) Additional references or recommendations;
  - (e) Clarification of Statement of Intent;
  - (f) ~~Situational Examination~~, Oral ~~Examination~~ Interview or both;
  - (g) Training documentation
  - (h) 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 or marriage and family therapist.

#### Section 6.6 FEES

- ~~(a) Written examination fees are determined by the national testing companies and are paid directly to those providers.~~

- ~~(b) An examination fee may be set by the Board for the processing and conducting situational examinations.~~
- ~~(c) (b) An annual file maintenance fee, determined by the Board, will be charged when application materials are retained in an active status longer than twelve (12) months from application date.~~
- ~~(d) (c) The schedule of service fees will be reviewed annually and will be set at the lowest possible level to meet the operational expenses of the Board as appropriated by the legislature. The fees established by the Board are published on the Board website ([www.abec.myarkansas.net](http://www.abec.myarkansas.net)) and are included in each application packet and each license renewal packet. Application and Renewal fees are found in Section XIII 13 of the Rules.~~

## VII. LICENSE RENEWAL

### Section 7.1 EXPIRATION RENEWAL AND FEES

- ~~(a) All licenses expire biennially on June 30~~ May 31 ~~of the renewal year. Licensing dates and payment of fees will be set to conform to the State's fiscal year, July 1 through June 30.~~
- ~~(b) The biennial license renewal fee is due and payable by May 31 of the renewal year.~~
- ~~(c) Failure to pay the biennial fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent. Ark. Code Ann. §17-27-307(2)(A). Such lapsed license may be renewed within a period of twelve (12) months, from the expiration date, by payment of all fees and Board requirements.~~
- ~~(d) A late fee will be assessed if the renewal fee is postmarked after midnight, May 31 of the renewal year.~~
- ~~(e) Failure to renew a license within twelve (12) months from the date of expiration will necessitate applying for the license as a new applicant meeting all requirements in effect as of the date the new application is received in the Board office. In this circumstance, prior to the application being processed, the applicant may be required to appear before the Board to explain the failure to meet the renewal deadlines.~~

~~Failure to renew a license within twelve (12) months from the date of expiration will necessitate applying for the license as a new applicant meeting all requirements in effect as of the date the new application is received in the Board office. In this circumstance, prior to the application being processed, the applicant may be required to appear before the Board to explain the failure to meet the renewal deadlines.~~

### Section 7.2 RENEWAL FEES

- ~~(a) The biennial license renewal fee is due and payable by May 31 of the renewal year.~~
- ~~(b) A late fee will be assessed if the renewal fee is postmarked after 12:01 midnight, June 30 of the renewal year.~~
- ~~(c) Failure to pay the biennial fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent. {Arkansas Code Annotated §17-27-307 (2) (A)}. Such lapsed license may be renewed within a period of twelve (12) months, from the expiration date, by payment of all fees and Board requirements that are in arrears.~~

### Section 7.3 7.2 CONTINUING EDUCATION

- (a) No license will be renewed without evidence of satisfactory completion of a minimum of twenty-four (24) clock hours of continued professional education (CE) and/or training in the twenty-four (24) months prior to renewal. Twenty one (21) of the twenty-four (24) clock hours must support the licensee's statement of intent. Evidence must also be submitted of a minimum of three (3) clock hours obtained in ethics relevant to the license being renewed.

~~The continuing education policies for documentation and reporting for renewal purposes are adopted, as applicable, from those published by the National Board for Certified Counselors (NBCC).~~

- (b) LAC's, LPC's, LAMFT's, and LMFT's are responsible for maintaining all appropriate documentation of their continuing education hours completed during the previous twenty-four (24) months ~~should they be required for audit review.~~
- (c) A percentage of all renewal notices ~~will~~ may be audited and each licensee must submit proper documentation of CEU credit. One-third of the file numbers each year may be selected for audit.
- (d) If the licensee has not accumulated the required continuing education hours, the licensee may take the NCE, NCMHCE, or the ~~AAMFT~~ AMFTRB examination and meet the national pass score as a substitute for continuing education clock hours.
- (e) ~~American Association of Christian Counselors (AACC) continuing education documentation CEU'S related to Counseling or Marriage and Family Therapy is acceptable.~~  
The Board recognizes the following activities/experiences, which demonstrate professional benefit to the licensee, as acceptable CE):
  - 1. Attending workshops provided by a qualified professional from state and/or nationally recognized training programs. Workshops presented by a professional with a NBCC provider number are acceptable.
  - 2. Presenting at workshops provided by a qualified professional from state and/or



nationally recognized training programs. Presenters will receive two (2) hours per one (1) hour of the initial presentation.

3. Formal academic coursework related to the development or maintenance of skills related to the practice of counseling. These must be offered by regionally accredited academic institutions. Both undergraduate and graduate course work will be acceptable. 15 hours of CE credit may be counted for every 1 hour of course work.

4. Documentation of teaching a new course or publishing a journal article or book in an area of counseling or marriage and family therapy. 10 hours of CE credit may be counted.

5. Relevant professional service in leadership positions such as officers of the state, regional, or national professional associations or members of the Arkansas Board of Examiners in Counseling. 10 hours of CE credit may be counted.

- (f) ~~The Arkansas Board of Examiners in Counseling does not screen programs offered by providers of continuing education. Providers are required to secure Approved Provider Status through NBCC, AAMFT, AACC, APA, CRCC, etc., prior to advertising the programs as approved for license renewal purposes. With official documentation, the continuing education program hours related to counseling or therapy that are offered by Arkansas universities and Arkansas state departments will be accepted. For licensees who possess both the LAC/LPC and LAMFT/LMFT, the continuing education requirement will be 24 hours, with 3 hours minimum in Ethics. The remaining 21 hours must indicate a balance between counseling and marriage and family therapy content.~~
- (g) ~~The maximum number of continuing education clock hours to be approved for reading/reviewing journal articles or newsletter articles shall not exceed six (6) clock hours in a two year renewal cycle. Six (6) continuing education hours in supervision content are required each renewal period for Board approved supervisors. Three (3) of the six (6) clock hours must be from Board recognized state associations or an Arkansas university associated workshop or program.~~
- (h) ~~The maximum number of online continuing education clock hours to be approved for renewal of the Supervision Specialization License shall not exceed three (3) clock hours. Three (3) clock hours must be from participation in a regional university continuing education program or from an ArCA, ArMHCA, ArACES, ArLCA or ArMFT Conference program or acquired from participation at national conferences such as the Association for Counselor Education & Supervision (ACES). Any licensee with a specialization claimed on the Statement of Intent must have CE hours specific to that specialization.~~
- (i) ~~All specialization licenses are required to have six (6) hours of CEU training specific to the specialization license.~~

#### Section 7.4 7.3 STATEMENT OF INTENT

- (a) ~~A new Statement of Intent (Scope of Practice) must be received with the renewal fee~~



~~and continuing education documentation for any license to be renewed.~~ The Statement of Intent must be reviewed carefully and at least one theoretical approach to counseling must be checked and some techniques used in conjunction with that approach must be checked.

- (b) ~~The approved Statement of Intent (Scope of Practice) will be in force for the valid license date. Specializations noted on the Statement of Intent must be supported by appropriate training and/or certification.~~
- (c) ~~Each page of the Statement of Intent (Scope of Practice) must be signed and dated. The approved Statement of Intent will be in force for the license renewal period unless amended.~~
- (d) The Statement of Intent (~~Scope of Practice~~) may be revised at any time the scope of practice changes. The revised Statement of Intent (~~Scope of Practice~~) must be submitted to the Board for approval.

#### Section ~~7.5~~ 7.4 RENEWAL NOTICE

~~Notices of renewal will be sent on or about December 15 of the renewal year prior to the renewal due date. A percentage of all annual renewals may be randomly audited, based on file number of the applicant. Forms are available on line and will be sent on or about January 15 for the licensee to use for the documentation of continued education, statement of intent, and other related professional activities. All renewal forms are available on the Board's website or may be requested from the Board office.~~ Completion of such documentation by the licensee is mandatory prior to license renewal.

#### Section ~~7.6~~ RENEWAL REQUEST UNDER EXTENUATING CIRCUMSTANCES

~~Renewals from individuals who are under investigation, sanction, probation, disciplinary supervision, revocation, or rehabilitation by counseling, marriage and family therapy, psychology, social work, or other related Boards or credentialing bodies will not be considered for an Arkansas license renewal until documentation from the issuing body is received that the sanctions are removed or completed.~~

~~Non-Practicing status is available for extenuating circumstances, whether health related, leaving the field temporarily, retirement or military deployment. There is a \$50 bi-annual fee for file maintenance.~~

#### Section 7.5 NON-PRACTICING STATUS

A non-practicing status is available for extenuating circumstances, whether health related, leaving the field temporarily, retirement or military deployment. The licensee must submit a request for non-practicing status in writing describing circumstances for the request. If approved, the licensee must submit the biannual non-practicing renewal fee and proof of the required CEs. Licensees must submit an attestation that he/she will not practice counseling or marriage and family therapy while in non-practicing status. Non-practicing status may be



renewed twice without additional approval from the Board.

#### Section 7.6 UPDATING CONTACT INFORMATION

All persons holding a license issued by the Board are required to provide and maintain current address and contact information on file with the Board so that the Board can remain in contact and provide notice of complaints and/or hearings. The licensee is required to provide written notice to the Board of any change in business and/or residence within ten (10) working days of the change. Notices of complaints and/or hearings sent by mail will be addressed to the latest address on file with the Board.

### VIII. DISCIPLINE

#### Section 8.1 COMPLAINTS

- (a) When information or a complaint is received by the Board, and that information or complaint may affect the licensure of an applicant, the informant is required to present the information to the Board in signed, written form unless this creates eminent danger to the informant.
- (b) ~~When necessary, the complaint is investigated by the Board.~~ The Board will appoint a sub-committee to review all complaints, consisting of the Executive Director, the Attorney General representative and one current Board member.
- (c) ~~Following the investigation the Board may:~~ The following may be taken as a result of the sub-committee's review:
  - a. 1. Close the complaint with no further action.
  - 2. Send a letter of reprimand or caution to the licensee.
  - b. 3. Process a Consent Order and Resolution Agreement with the licensee that specifies conditions to be met and maintained;
  - e. 4. Hold an Administrative Hearing to determine whether disciplinary action should be taken.

#### Section 8.2 HEARINGS

- (a) When appropriate, informal hearing procedures may be used to attempt to resolve complaints in lieu of an administrative hearing.
- (b) Hearings to revoke or suspend a license or to impose other disciplinary sanctions are considered to be adjudicative hearings. The Board acts in a quasi-judicial capacity when it conducts an adjudicative hearing.
- (c) The Arkansas Administrative Procedure Act (APA) provides the basic framework for the

conducting of adjudicative hearings.

(d) These rules apply in all administrative adjudications conducted by the Board.

1. (e) PRESIDING OFFICER -

The Board Chairperson shall preside at the hearing or may designate one or more members of the Board or one or more examiners, referees, or hearing officers to preside at a hearing.

2. (f) APPEARANCES

- a. 1 Any party appearing in any agency proceeding has the right, at his or her own expense, to be represented by counsel. Alternatively, the respondent may appear on his or her own behalf.
- b. ~~The respondent may appear on his or her behalf.~~
- e. 2 Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.
- d. 3 Service on counsel of record is the equivalent of service on the party represented.
- e. 4 On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.

3. (g) CONSOLIDATION -

If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

4. (h) NOTICE TO INTERESTED PARTIES -

If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

5. (i) SERVICE OF PAPERS

Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding, except applications for witness subpoenas and the subpoenas, shall

be served on each party or the party's representative at the address on file with the Board.

6. (j)INITIATION & NOTICE OF HEARING

- a. 1.An administrative adjudication is initiated by the issuance by the Board of a notice of hearing.
- b. 2.The notice of hearing will be sent to the respondent by U.S. Mail, return receipt requested, delivery restricted to the named recipient or his agent. Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the agency.
- c. 3.Notice will be mailed at least twenty one (21) days before the scheduled hearing unless an emergency is declared.
- d. 4.The notice will include:
  - i. a.A statement of the time, place, and nature of the hearing;
  - ii. b.A statement of the legal authority and jurisdiction under which the hearing is to be held; and
  - iii. c.A short and plain statement of the matters of fact and law asserted.

7. (k)MOTIONS -

All requests for relief will be made by motion.

- 1. Motions must be in writing or made on the record during a hearing.
- 2. A motion must fully state the action requested and the grounds relied upon.
- 3. The original written motion will be filed with the agency.
- 4. When time allows, the other parties may, within seven (7) days of the service of the written motion, file a response in opposition.
- 5. The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion.
- 6. However, a presiding officer, other than the Counseling Board, will not enter a dispositive order unless expressly authorized in writing to do so.

8. (l)ANSWER -

A respondent may file an answer no later than ten (10) days before the scheduled hearing.

9. (m)DISCOVERY

- a. 1.Upon written request, the agency will provide the information designated in AC.A § 25-15-208(a)(3).



- ~~b.~~ 2. Such requests should be received by the agency at least ten (10) days before the scheduled hearing.

~~10.~~ (n) CONTINUANCES

The Board Chairman may grant a continuance of hearing for good cause shown.

1. Requests for continuances will be made in writing.
2. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing.
3. In determining whether to grant a continuance, the Board Chairman may consider:
  - a. Prior continuances;
  - b. The interests of all parties;
  - c. The likelihood of informal settlements;
  - d. The existence of an emergency;
  - e. Any objection;
  - f. Any applicable time requirement;
  - g. The existence of a conflict of the schedules of counsel, parties, or witnesses;
  - h. The time limits of the request, and;
  - i. Other relevant factors.

4. The Board Chairman may require documentation of any grounds for continuance.

~~11.~~ (o) HEARING PROCEDURES

- ~~a.~~ 1. The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings; provided, however, any presiding officer other than the Counseling Board shall not enter a dispositive order or proposed decision unless expressly authorized in writing to do so.
- ~~b.~~ 2. All objections must be made in a timely manner and stated on the record.
- ~~c.~~ 3. Parties have the right to participate or to be represented by counsel in all hearings or pre-hearing conferences related to their case.
- ~~d.~~ 4. Subject to terms and conditions prescribed by the Administrative Procedure Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the agency, may submit briefs and engage in oral argument.
- ~~e.~~ 5. The presiding officer is charged, with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is

disorderly.

~~12.~~ **(p) ORDER OF PROCEEDINGS -**

The presiding officer will conduct the hearing in the following manner:

- ~~a.~~ **1.** The presiding officer will give an opening statement, briefly describing the nature of the proceedings.
- ~~b.~~ **2.** The parties are to be given the opportunity to present opening statements.
- ~~c.~~ **3.** The parties will be allowed to present their cases in the sequence determined by the presiding officer.
  - a.** Each witness must be sworn or affirmed by the presiding officer, or the court reporter, and be subject to examination and cross-examination as well as questioning by the Counseling Board. The presiding officer may limit questioning in a manner consistent with the law.
  - b.** When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

~~13.~~ **(q) EVIDENCE**

- ~~a.~~ **1.** The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law.
- ~~b.~~ **2.** Stipulation of facts is encouraged. The agency may make a decision based on stipulated facts.
- ~~c.~~ **3.** Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings.
- ~~d.~~ **4.** A party seeking admission of an exhibit must provide twelve (12) copies of each exhibit at the hearing. The presiding officer must provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence must be appropriately marked and be made part of the record.

- e. 5.Any party may object to specific evidence or any request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve the ruling until written decision.
- f. 6.Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.
- g. 7.Irrelevant, immaterial, and unduly repetitive evidence will be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs,
- h. 8.Reasonable inferences. The finder of fact may base its findings of fact upon reasonable inferences derived from other evidence received.

~~14.~~ (r)DEFAULT :

If a party fails to appear or participate in an administrative adjudication after proper service of notice, the agency may proceed with the hearing and render a decision in the absence of the party.

~~15.~~ (s)SUBPOENAS

- a. 1.At the request of any party, the agency shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.
- b. 2.A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause, the agency may authorize the subpoena to be served less than two days before the hearing.

- e. 3.Any motion to quash or limit the subpoena shall be filed with the agency and shall state the grounds relied upon.

~~16.~~ (t)RECORDING THE PROCEEDINGS -

The responsibility to record the testimony heard at a hearing is borne by the Board. In the event of the filing of a petition for judicial review, the Board will provide a verbatim transcript of testimony taken before the Board. If requested under FOI, copies of the transcript will be provided at a cost per page.

~~17.~~ (u)FACTORS TO BE CONSIDERED IN IMPOSING SANCTIONS -

In addition to any other considerations permitted by Arkansas Code Annotated § 17-27-101 et seq. if applicable, the agency in imposing any sanction may consider the following:

- a. 1.The nature and degree of the misconduct for which the licensee is being sanctioned.
- b. 2.The seriousness and circumstances surrounding this misconduct. The loss or damage to clients or others.
- c. 3.The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found.
- d. 4.The profit to the licensee.
- e. 5.The avoidance of repetition.
- f. 6.Whether the conduct was deliberate, intentional, or negligent.
- g. 7.The deterrent effect on others.
- h. 8.The conduct of the individual during the course of the disciplinary proceeding.
- i. 9.The professional's prior disciplinary record, including warnings.
- j. 10.Matters offered by the professional in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates that he or she is successfully pursuing in good faith a program of recovery.

~~18.~~ (v)FINAL ORDER -

The Board will serve on the respondent a written order that reflects the action taken by the agency.

1. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case.
2. It will also state conclusion of law and directives or other disposition entered against or in favor of the respondent.

SECTION 8.3       SUSPENSION, REVOCATION, DENIAL OF LICENSE ISSUE,

## DENIAL OF RENEWAL, & DENIAL OF APPLICATION FOR PROCESSING

- (a) In accordance with the Arkansas Code Annotated §17-26-309 and § 25-15-201 et seq (Arkansas Administration Procedure Act), the Board will suspend, revoke, or deny renewal of any license if the Board finds that holder thereof:
- a. 1.Has been found guilty of violating any ethical or professional standard under which the license holder practices; has failed to comply with mandated reporting as per state laws.
  - b. 2.Has not paid biennial renewal fee within the time stated.
  - e. 3.Has not satisfied the Board, by ~~June 30~~ May 31 of the renewal year, with evidence of the completion of relevant professional or continued education experience.
  - d. 4.Has been found to be incompetent, has misused the license, or has been negligent in the rendering of counseling services.
  - e. 5.~~Has been convicted of a felony~~pleaded guilty, or nolo contendere to or been found guilty of any offense listed under Ark. Code Ann. §17-2-102.
  - f. 6.Has failed to follow any special directions of the Board.
  - g. 7.Has had one's professional license/certificate revoked, suspended, or is under investigation by any other Arkansas Board or certifying/licensing agency or by any state Board of certifying/licensing agency.
  - h. 8.Has failed to meet requirements of the Criminal Background Check. (Ark. Code Ann. § 17-27-313).
  - i. ~~Renewals from individuals who are under investigation, sanction, probation, disciplinary supervision, revocation, or rehabilitation by counseling, psychology, social work, or other related Boards or credentialing bodies will not be considered for an Arkansas license renewal until documentation from the issuing body is received that the sanctions are removed, or completed~~

### (b) ALTERNATIVE SANCTIONS -

In addition, the Board may, after a hearing, impose upon a licensee alternative sanctions provided by Ark. Code Ann. § 25-15-217 which include a civil penalty not to exceed \$500.00 per violation.

- (c) If the Board finds that it has erred in the granting of a license, the Board will give written notice by certified or signature confirmation mail of intent to annul the license. The notice will allow the applicant the opportunity to meet the



requirements of licensure within 30 days.

- (d) ~~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. If the licensee practices during this time, the Board 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 or marriage and family therapist.
- (e) 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 or marriage and family/therapy and/or false representation as a licensed counselor or marriage and family therapist.
- ~~(f) Requirement to Keep Current Address & Contact Information On File. All persons holding a license issued by this Board are required to provide the Board with information so that the Board can remain in contact and provide notice of complaints and/or hearings. The licensee holder is required to provide written notice to the Board of any change in business and/or residence within ten (10) working days of the change. Service of notices of hearing sent by mail will be addressed to the latest address on file with the Board.~~

~~(g)~~ (f) DENIAL OF LICENSE

- a. 1. If a preliminary determination is made that the application should be denied, the Board will inform the applicant of the opportunity for a hearing on the application.
- b. 2. The grounds or basis for the proposed denial of a license will be set forth in writing by the Board. Any hearing on the denial of a license will be conducted in accordance with the Arkansas Administrative Procedure Act and unless otherwise provided by law, the applicant has the burden of establishing entitlement to the license.

~~(h)~~ (g) SUSPENSION, REVOCATION, ANNULMENT OR WITHDRAWAL

- a. 1. Prior to the entry of a final order to suspend, revoke, annul or withdraw a license, or to impose other sanctions upon a licensee, the Board will serve the licensee a notice of hearing in the manner set out in Arkansas Code Annotated § 25-15-208.
- b. 2. The Board has the burden of proving the alleged facts and violations of law stated in the notice.

~~(i)~~ (h) EMERGENCY ACTION

- a. 1. If the Board finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Board can summarily suspend, limit, or restrict a license. The notice requirement in ~~h-(1)~~ Section 8.2(6) does not apply and must not be construed to prevent a hearing at the earliest time practicable.
- b. 2. Emergency Order: An emergency adjudicative order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the Board. The written order must include notification of the Written Notice. The written emergency adjudicative order will be immediately delivered to persons who are required to comply with the order. One or more of the following procedures will be used:
  - i. a. Personal Delivery;
  - ii. b. Certified mail, return receipt requested, to the last address on file with the agency;
  - iii. c. First class mail to the last address on file with the agency;
  - iv. d. Fax notice may be used as the sole method of delivery if the person required to comply with the order has filed a written request that the Board orders be sent by fax and has provided a fax number for that purpose;
  - v. e. Oral notice. Unless the written emergency order is served by personal delivery on the same day that the order issues, the Board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.
  - vi. f. Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph 8.3 ~~(g)~~ (h) of this rule, the agency must initiate a formal suspension or revocation proceeding.

⊕ (i) VOLUNTARY SURRENDER OF LICENSE

The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the Board's determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

⊕ (j) DUTY OF A SANCTIONED PROFESSIONAL

In every case in which a professional's license is revoked, suspended or surrendered, the licensee must:

- a. 1. Return his or her license and any license pocket cards to the agency's office;
- b. 2. Notify all of his or her clients in writing that his or her license has been revoked, suspended, or surrendered;
- e. 3. Notify all clients to make arrangements for other professional services, calling

attention to any urgency in seeking the substitution of another licensed professional;

- d. 4. Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- e. 5. Refund any part of the fees paid in advance that have not been earned;
- f. 6. Keep and maintain a record of the steps necessary to accomplish the foregoing;
- g. 7. File with the Board a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the agency will notify those entitled of the revocation, suspension, or surrender; and
- h. 8. Within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the Board that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

⊕ (k) REINSTATEMENT AFTER SUSPENSION

- a. 1. An order suspending a license may provide that a person desiring reinstatement may file with the Board a verified petition requesting reinstatement.
- b. 2. The petition for reinstatement must set out the following:
  - i. a. That the individual has fully and promptly complied with the requirements of ~~section VIII (J)~~ Section 8.3(j) of these rules pertaining to the duty of a sanctioned professional;
  - ii. b. That the individual has refrained from practicing in this profession during the period of suspension;
  - iii. c. That the individual's license fee is current or has been tendered to the agency;
  - iv. d. That the individual has fully complied with any requirements imposed as conditions for reinstatement.
  - v. e. Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.
- e. 3. Failure to comply with the provisions of ~~Section 8.3 J7 & J8~~ Section 8.3 (j)7 & (j)8 of the Rule precludes consideration for reinstatement.

- d. 4.No individual will be reinstated unless the Board of Examiners in Counseling approves reinstatement by majority vote.

(m) (1)RE-LICENSURE FOR REVOKED OR SURRENDERED LICENSE

- a. 1.No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to the Board. The application for re-licensure is not allowed until at least five years after the revocation or surrender of license took effect.
- b. 2.The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of the license before the application for re-licensure is received.
- e. 3.The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.
- d. 4.The Board may require that the person seeking re-licensure take licensing examination.
- e. 5.The Board may require that the person seeking re-licensure have supervision for a specified time and ratio.
- f. 6.When applying for re-licensure after revocation or surrender of his or her license, the licensee must prove that he or she can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and that he or she is otherwise qualified for the license pursuant to Arkansas Code Annotated § 17-27-101 et seq and Rules in effect the date the application for re-licensure is received.
- ~~g. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.~~
- ~~h. The Board may require that the person seeking re-licensure take licensing examination.~~
- ~~i. The Board may require that the person seeking re-licensure have supervision for a specified time and ratio.~~
- ~~i. Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph 8.2 (4) of this rule, the agency must initiate a formal suspension or revocation proceeding.~~
- ~~ii. Certified mail, return receipt requested, to the last address on file with the Board;~~
- ~~iii. First class mail to the last address on file with the Board;~~
- ~~iv. Fax notice may be used as the sole method of delivery if the person~~



~~required to comply with the order has filed a written request that the Board orders be sent by fax and has provided a fax number for that purpose;~~

- ~~v. Oral notice. Unless the written emergency order is served by personal delivery on the same day that the order issues, the Board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.~~

#### Section 8.4 UNAUTHORIZED COUNSELING

- (a) When the Board is made aware of a violation, or possible violation, of Ark. Code Ann. § 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 requesting that the person cease and desist the practice of counseling without a license. The letter will direct attention to pertinent aspects of the law and the rules governing practice of counselors and marriage and family therapists.
- (b) If the cease and desist letter does not induce the person to refrain from practicing, holding himself/herself out to practice, and/or the use of title or activities, in violation, the information shall be forwarded to the appropriate law enforcement authorities.

### IX. LICENSING UNDER SPECIAL CONDITIONS

#### Section 9.1 ~~RECIPROCITY~~ LICENSURE BY ENDORSEMENT

~~No reciprocity agreement exists between other states or other Arkansas agencies.~~  
Applicants from other states or Arkansas agencies must apply and complete the formal application process prior to license issue. The following rules apply to the process:

- (a) An applicant who has been licensed as a counselor or mental health professional in other state/states ~~or by other Arkansas agencies~~ must submit a License Verification Form (LVF) from each state or agency ~~prior to the oral examination.~~
- (b) Applicants who have continually maintained full licensure status as an LPC, LMFT or the equivalency for a minimum of three years (36 months) may be eligible for licensure endorsement by the Board. In addition to providing the application documentation described in Section 5 and 6 (i.e. Statement of Intent, Transcript, References, and examination scores), the applicant must provide verification that the license issued by another board is currently in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board. The applicant must provide verification that the minimum educational requirements identified in Section 3.6 have been met, the license issued by another Board is in good standing and there is no history of disciplinary action, sanctions or license denial by another state agency or by another Arkansas agency.



- (c) Applicants who have continually maintained full licensure status as an LPC, LMFT or the equivalency for less than three years (36 months) may be eligible for licensure endorsement by the Board. A temporary license may be granted while an applicant completes the minimal educational requirements. In addition to meeting applicable requirements in Section 5 and 6, the applicant must provide verification that the license issued by another board is currently in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board. The applicant will need to document the total number of client contact hours (CCH) under supervision and the total number of supervision hours maintained. The Board will review the documented hours to determine the number of CCH and supervision hours required to meet licensure at the associate or full licensure status.
- (d) ~~Waiver of the NCE, NCMHCE, or the AMFTRB may be granted when the Board has determined that another examination is equivalent or an endorsement agreement has been reached with the other boards or agencies responsible for licensing Counselors/Therapists. Applicants who have an associate, provisional, or an intern license from another state may be eligible for licensure by endorsement by the Board. A temporary license may be granted while completing the minimal educational requirements. In addition to meeting applicable requirements in Sections 5 and 6, the applicant must provide verification that the license issued by another Board is in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board. The applicant will need to document the total number of Client Contact Hours (CCH) under supervision and the total number of supervision hours maintained. The Board will review the documented hours to determine the number of CCH and supervision hours required to meet licensure at the associate or full licensure status.~~
- (e) ~~Applicants moving from another state, who hold their licenses from that state under grandparenting, and were not previously tested for licensure, will be required to satisfactorily complete the National Clinical Mental Health Counseling Self-Assessment Examination (NCMHCE), the National Counseling Examination (NCE) or the AMFTRB Examination. Waiver of the NCE, NCMHCE, or the AMFTRB may be granted when the Board has determined that another examination is equivalent, or applicant meets licensure by endorsement rules.~~
- (f) ~~Applicants who do not meet the requirements identified in Section 9.1(b) but meet the requirements for full license (LPC or LMFT) in another state requiring 2000 Client Contact Hours (CCH), will need to document an additional 1000 CCH of supervision or the application will be processed for LAC or LAMFT. The 2000 CCH from another state will be applied to the total number of required hours. The 1000 CCH to be earned in Arkansas must be year one with 1000 clock hours of supervised practice provided at the ratio of one (1) hour of supervision for each twenty (20) hours of client contact.~~
- (g) ~~Acceptability of supervision, gained prior to application, under other Licensing Boards or in exempt positions, will be determined in accordance with the following:~~

- ~~a. The ethical and professional standards of the Association for Counselor Education and Supervision or the Commission on Accreditation of Marriage and Family Therapy Education, the American Association for Pastoral Counselors, Council for Accreditation of Counseling and Related Educational Programs, National Board for Certifying Counselors, Commission on Rehabilitation Counselor Certification.~~
  - ~~b. The appropriateness of the supervisory relationship.~~
  - ~~c. The direct counseling hours performed while under supervision will be credited at the ratio specified by the Board and must consist of direct, face-to-face supervision in either individual and/or group format. Technology Assisted Distance Supervision may be reported if the Supervisor holds the Specialization License. Technology Assisted Distance Supervision may not exceed fifty percent in any one phase.~~
  - ~~d. Indirect service hours while under supervision may not exceed 800 hours.~~
  - ~~e. Graduate school practicum or internship hours acquired in the Master's program are not credited to substitute for the required supervised professional work. Post Master's hours in practicum/internships not needed for the initial application for the Arkansas license may be applied.~~
  - ~~f. Hours spent conducting Psycho-Educational groups (whether inpatient/outpatient or at other locations) may not be credited as Counseling or Marriage and Family Therapy to reduce the required direct or indirect post master's supervised work.~~
- ~~(h) Acceptable Post Master's Supervision may include:~~
- ~~a. A recognized post-master's internship training program~~
  - ~~b. Supervised CCH approved by another state's counseling Licensure Board or Marriage and Family Therapy Board~~
  - ~~c. Supervision approved by NBCC, AAMFT, CRCC or AAPC~~
  - ~~d. Supervised Counseling or Marriage and Family Therapy hours accrued during employment in private practice or in an agency or institution that meet Board adopted supervision criteria.~~

## Section 9.2 CONSULTING

- (a) Non-resident persons who are licensed by Counseling or Marriage and Family Therapy regulatory boards in other states or countries may provide consulting or research services within Arkansas for not more than thirty (30) days (discontinuous

or continuous) per calendar year.

- (b) Consultant is defined as a licensed LPC/LMFT who has practiced as a professional for a minimum of three (3) years in another state and contracts with an Arkansas agency or institution for research, workshops, training, or for providing advice and guidance on professional issues.
- (c) Consultant activities and services must be short-term and contractual and must be sponsored and supervised by a licensed Arkansas LPC or LMFT. The Board must be notified in writing and approval obtained prior to any services being rendered.
- (d) Prospective employees, moving to Arkansas from another state, who are applying for an Arkansas license are not to be considered consultants and are not exempt from licensure.
- (e) Licensed Counselors or Marriage and Family Therapists who consult with other licensed professionals and/or develop relationships with Colleagues, employers and employees must follow the ~~ACA Code Section D.1.a through D.2.d~~ ACA and/or the AAMFT Code of Ethics sections related to professional relationships and consultation.

### Section 9.3 OTHER PROFESSIONALS AND AGENCIES

- (a) Neither the National Counselor Examination nor the Association of Marital and Family Therapy Regulatory Board Examination will be waived for licensed Psychologists who apply for a license from the Board.
- (b) Licensed Psychological Examiners (LPEs) who apply for a ~~counseling or marriage and family therapy license~~ LAC and/or LAMFT must minimally complete 1000 CCH of direct client contact. ~~The maximum of two (2) years~~ two thousand (2000) CCH of supervised professional experience may be submitted for approval by the Board if the applicant documents supervised experience consistent with his/her Statement of Intent by submitting:
  - a. 1.Documentation from the Arkansas Board of Examiners in Psychology (ABEP); and
  - b. 2.Statement from the ABEP or LPE supervisor verifying the ratio of supervision to CCH and that the scope of the practice supervised was not related to assessment, appraisal, or testing as part of their practice
- ~~(c) Any person holding a license from the Arkansas Board of Examiners in Psychology (ABEP) will not be approved for any appraisal, assessment, or testing under any license issued by this Board. All appraisal activities will be regulated by the ABEP for any persons licensed by both the Board of Examiners in Counseling and Board of Examiners in Psychology.~~

- ~~(d) (1) Clergy who are credentialed as member, fellow, or diplomat by the American Association of Pastoral Counselors (AAPC), Association for Clinical Pastoral Education (ACPE) or other Board approved credentialing organizations will be accepted as meeting the Board definition of equivalent training for Licensed Associate or Professional Counselor or Marriage and Family Therapist~~
- ~~(2) 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 or Marriage and Family Therapist license with the specialty license as pastoral counselor or pastoral marriage and family therapist.~~
- ~~(e) Applicants for the Licensed Professional Counselor license who hold a master's degree and who are credentialed as CRC by the Commission on Rehabilitation Counselor Certification (CRCC) standards adopted by CRCC July 1, 2003 will be accepted as meeting the Board definition of equivalent/parallel training for licensed Associate or Professional Counselor or Marriage and Family Therapist provided the core curriculum courses are included in the degree or in post master's course work. The Certified Rehabilitation Counselor Examination (CRC Examination) has not been determined equivalent to the National Counseling Examination (NCE) and will not be substituted for the NCE for the LPC license. The CRC Examination will be accepted for the Rehabilitation Counselor Specialization License.~~
- ~~(f) 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. If the applicant had written the examination, but did not complete the licensure process, the written examination of record may not be more than five (5) years old to be accepted for Arkansas license application purposes.~~
- ~~(g) Persons who apply for an Arkansas license, have been continuously licensed seven years in another state and in good standing but lack no more than nine hours of the required graduate course work may have a one time license issued with the provision that the graduate course requirements must be met prior to the first license renewal.~~
- ~~(h) Documents relevant to an application from a person licensed in another state will be accepted as official if sent directly from the state licensing board, from NBCC, or from the American Association of State Counseling Boards National Credential Registry.~~

Section 9.4 LICENSURE FOR ACTIVE DUTY SERVICE MEMBERS, RETURNING  
MILITARY VETERANS, AND THEIR SPOUSES

(a) As used in this subsection:

1. “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
2. “returning military veteran” means former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

(b) The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:

1. An active duty military service member stationed in the State of Arkansas;
2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or
3. The spouse of a person under Section 9.4(b) 1 or 2.

(c) The Board shall grant automatic licensure upon receipt of all of the following:

1. Payment of the initial application and licensure fee;
2. Evidence that the individual holds a substantially equivalent license in another state; and
3. Evidence that the applicant is a qualified applicant under Section 9.4(b).

X. ~~Ethics~~ PROFESSIONAL ETHICS

Section 10.1 ~~PROFESSIONAL~~ ETHICS

- (a) The Board adopts the most current ACA Code of Ethics for all persons holding a LAC or LPC license. The Arkansas Board of Examiners in Counseling (ARBOEC) adopts the 2014 American Counseling Association (ACA) Code of Ethics existing as of the date of these Rules & Regulations to comply with Arkansas Code Annotated §17-27-203(e). No counselor or MFT licensed by the Board shall be sanctioned by the Board for transferring current or potential clients based on the counselor's or MFT therapist's conscience. Conscience is defined as the ethical, moral, or religious principles sincerely held by any counselor or MFT. This referral clause does not absolve the counselor or MFT from adhering to non-discrimination (ACA, 2014, A.11.b). The counselor or MFT shall only refer after careful



~~consideration and consultation, and shall not abandon clients who seek assistance. Referrals shall only occur as a result of conscience if the counselor or MFT is unable to effectively serve the client. Effective 10 days following the Legislative Council approval date of these Rules.~~

- (b) The Board adopts the most current AAMFT Code of Ethics for all persons holding a LAMFT or LMFT license.~~The American Association of Marriage and Family Therapist (AAMFT) 2015 Ethical Code, existing as of the date of these Rules & Regulations is adopted for all persons holding a Licensed Associate Marriage and Family Therapist (LAMFT) or the Licensed Marriage and Family Therapist (LMFT) license.~~

(c)The counselor or marriage and family therapist (MFT) shall only refer after careful consideration and consultation and shall not abandon clients who seek assistance. Referrals shall only occur due to lack of personal or professional competence if the counselor or MFT is unable to effectively serve the client. No counselor or MFT licensed by the Board shall be sanctioned by the Board for referring current or potential clients due to lack of personal or professional competence. This referral clause does not absolve the counselor or MFT from adhering to non-discrimination.

- (c) (d)Licensees holding multiple licenses must adhere to the codes of ethics of all professional certificates/licenses held and to the more stringent of the codes of ethics where there may be any appearance of conflict between codes.
- (d) ~~The Anti Fraud and Code of Ethics Policy existing as of the date of these Rules & Regulations is adopted to comply with the Department of Finance and Administration to meet Auditing Standards #90 as issued by the auditing Standards Board of the American Institute of Certified Public Accountants.~~

#### XI.COUNSELOR/PSYCHOTHERAPIST AND MARRIAGE AND FAMILY THERAPIST CLIENT COMMUNICATIONS AND MEDICAL RECORDS CLIENT COMMUNICATIONS AND MEDICAL RECORDS

The client of persons licensed by this Board has a privilege to refuse to disclose and to prevent any other person from disclosing his/her medical records or confidential communications made for the purpose of diagnosis or treatment of his/her physical, mental or emotional condition, including alcohol or drug addiction, among himself/herself, the licensee, and persons who are participating in the diagnosis or treatment under the direction of the licensee, including members of the client's family. See Rules 501, 502 and 503, Arkansas Rules of Evidence. The licensee is presumed to have authority to claim the privilege on behalf of the patient. The privilege is subject to the exceptions listed in Rule 503(d). The following communications are not protected by the privilege:

- a. Communications relevant to an issue in proceedings to hospitalize the client are not privileged.

- b. Communications made in the course of a court ordered examination of the client are not privileged unless the court orders otherwise.
- c. Medical records or communications relevant to an issue of the physical, mental, or emotional condition of the patient in any proceeding in which he or she relies upon the condition as an element of his or her claim or defense, or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of his or her claim or defense.
- d. The licensee may be required to furnish medical records, and communications in the context of formal discovery procedures.

## **XII. THE PRACTICE OF ~~INTERNET OR TELEPHONE SERVICES~~ TELEMEDICINE**

### **Section 12.1 DEFINITIONS**

- (a) “Distant site” means the location of the healthcare professional delivering services through telemedicine at the time the services are provided. Ark. Code Ann. §17-80-402(1).
- (b) “Originating site” means a site at which a patient is located at the time healthcare services are provided to him or her by means of telemedicine. Ark. Code Ann. §17-80-402(2).
- (c) “Remote patient monitoring” means the use of synchronous or asynchronous electronic information and communication technology to collect personal health information and medical data from a patient at an originating site that is transmitted to a healthcare professional at a distant site for use in the treatment and management of medical conditions that require frequent monitoring. Ark. Code Ann. §17-80-402(5).
- (d) “Store-and-forward technology” means the asynchronous transmission of a patient’s medical information from a healthcare professional at an originating site to a healthcare professional at a distant site. Ark. Code Ann. § 17-80-402(6).
- (e) “Telemedicine” means the use of electronic information and communication technology to deliver healthcare services, including without limitation the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient. Telemedicine includes store-and-forward technology and remote patient monitoring. Ark. Code Ann. § 17-80-402(7).

### **Section 12.2 ESTABLISHING A LICENSED COUNSELOR OR MARRIAGE FAMILY THERAPIST/CLIENT RELATIONSHIP**

A licensed counselor or marriage and family therapists/client relationship must be established in accordance with Ark. Code Ann. §§ 17-80-402 & 403 and Section 12.3 & 12.4 before the delivery of services via telemedicine. A client’s completing a psychosocial history online and forwarding it to a licensed counselor or marriage and family therapist is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology. A licensed

counselor or marriage and family therapist exhibits gross negligence if he or she provides and/or recommends any form of treatment via telemedicine without first establishing a proper licensed counselor or marriage and family therapist/client relationship.

### Section 12.3 MINIMUM REQUIREMENTS FOR LICENSED COUNSELOR OR MARRIAGE AND FAMILY THERAPIST/CLIENT RELATIONSHIP

For purposes of this regulation, a proper licensed counselor or marriage and family therapist/client relationship, at a minimum requires that:

- (a) The licensed counselor or marriage and family therapists performs an “in person” psychosocial assessment of the client adequate to establish a diagnosis and develop a treatment plan, OR
- (b) The licensed counselor or marriage and family therapist performs a face to face psychosocial assessment using real time audio and visual telemedicine technology that provides information at least equal to such information as would have been obtained by an in-person psychosocial assessment, OR
- (c) The licensed counselor or marriage and family therapist knows the client and the client’s general psychosocial issues through a previously established professional relationship; AND
- (d) Appropriate follow-up be provided or arranged, when necessary.

### Section 12.4 WHEN A LICENSED COUNSELOR OR MARRIAGE AND FAMILY THERAPIST/CLIENT RELATIONSHIP IS DEEMED TO EXIST

For the purposes of this regulation, a proper licensed counselor or marriage and family therapist/client relationship is deemed to exist in the following situations:

- (a) When treatment is provided in consultation with, or upon referral by, another provider or treatment team who has an ongoing relationship with the client, and who has agreed to supervise the client’s treatment, including follow up care.
- (b) On-call or cross-coverage situations arranged by the client’s treating provider or treatment team.

### Section 12.5 EXCEPTIONS

Recognizing a licensed counselor or marriage and family therapist’s duty to adhere to the applicable standard of care and to comply with mandatory reporting laws, the following situations are excluded from the requirement of this regulation by Ark. Code Ann. § 17-80-403(a)(2):

- (a) Emergency situations where the life or health of the client is in danger or imminent danger.
- (b) Simply providing information of a generic nature not meant to be specific to an individual client.

### Section 12.6 PROFESSIONAL RELATIONSHIP EXCEPTIONS

Under Ark. Code Ann. § 17-80-403(c), “Professional relationship” does not include a

relationship between a licensed counselor or marriage and family therapist and a client established only by the following:

- (a) An internet questionnaire;
- (b) An email message;
- (c) Patient-generated medical history;
- (d) Audio-only communication, including without limitation interactive audio;
- (e) Text messaging;
- (f) A facsimile machine; or
- (g) Any combination thereof.

#### Section 12.7 REQUIREMENTS FOR SERVICES PROVIDED VIA TELEMEDICINE

The following requirements apply to all services provided by licensed counselors or marriage and family therapists using telemedicine.

- (a) The practice of counseling via telemedicine shall be held to the same standards of care as traditional in-person encounters.
- (b) The licensed counselor or marriage and family therapist must obtain a detailed explanation of the client's complaint from the client or the client's treating provider or treatment team.
- (c) If a decision is made to provide treatment, the licensed counselor or marriage and family therapist must agree to accept responsibility for the care of the client.
- (d) If follow-up care is indicated, the licensed counselor or marriage and family therapist must agree to provide or arrange for such follow-up care.
- (e) The licensed counselor or marriage and family therapist must keep a documented treatment record, including, but not limited to psychosocial history.
- (f) At the client's request, the licensed counselor or marriage and family therapist must make available to the client an electronic or hardcopy version of the client's treatment record documenting the encounter. Additionally, unless the client declines to consent, the licensed counselor or marriage and family therapist must forward a copy of the record of the encounter to the client's regular treating provider or treatment team if that provider or treatment team is not the same licensed counselor or marriage and family therapist delivering the service via telemedicine.
- (g) Services must be delivered in a transparent manner, including providing access to information identifying the licensed counselor or marriage and family therapist's licensure and other relevant certifications, as well as client financial responsibilities, in advance of the encounter.
- (h) If the client, at the recommendation of the licensed counselor or marriage and family therapist, needs to be seen in person, the licensed counselor or marriage and family therapist must arrange to see the client in person or direct the client to their regular treating provider or treatment team or other appropriate provider if the client does not have a treating provider or treatment team. Such recommendation shall be documented in the client's treatment record.
- (i) Licensed counselors or marriage and family therapists who deliver services through telemedicine must establish protocols for referrals for emergency services.

#### Section 12.8 SCOPE OF PRACTICE

Licensed counselors or marriage and family therapists may practice counseling via telemedicine within the definitions found in [Section 1.9\(b\)&\(h\)](#).

## Section 12.9 CONFIDENTIALITY

Licensed counselors or marriage and family therapists who use technology to facilitate supervision, consultation, or other confidential meetings shall use appropriate precautions to protect the confidentiality of those communications. Precautions to protect confidentiality depend on the type of technology being used, and may include using passwords, firewalls, encryption, and antivirus software; using electronic service providers that rely on standards of security for data that are transmitted and stored; and ensuring a private setting when using their electronic devices.

~~See Section XII for the ethics, definitions and standards for the practice of internet or telephone services.~~

~~The Board adopts the National Board for Certified Counselors (NBCC) document titled The Practice of Internet Counseling. The NBCC document is adopted as part of Arkansas Rules to further extend and clarify Technology Assisted Distance Counseling Ethics, Definitions and Standards for Counselors and Marriage and Family Therapist licensed in the state of Arkansas. The adoption of the document is to support and extend the American Counseling Code of Ethics for the practice of Internet Counseling.~~

### ~~COPIED FROM WWW.NBCC.ORG THE PRACTICE OF INTERNET COUNSELING~~

~~This document contains a statement of principles for guiding the evolving practice of Internet counseling. In order to provide a context for these principles, the following definition of Internet counseling, which is one element of technology assisted distance counseling, is provided. The Internet counseling standards follow the definitions presented below.~~

#### ~~A Taxonomy for Defining Face To Face and Technology Assisted Distance Counseling~~

~~The delivery of technology assisted distance counseling continues to grow and evolve. Technology assistance in the form of computer assisted assessment, computer assisted information systems, and telephone counseling has been available and widely used for some time. The rapid development and use of the Internet to deliver information and foster communication has resulted in the creation of new forms of counseling. Developments have occurred so rapidly that it is difficult to communicate a common understanding of these new forms of counseling practice.~~

~~The purpose of this document is to create standard definitions of technology assisted~~



~~distance counseling that can be easily updated in response to evolutions in technology and practice. A definition of traditional face to face counseling is also presented to show similarities and differences with respect to various applications of technology in counseling. A taxonomy of forms of counseling is also presented to further clarify how technology relates to counseling practice.~~

### ~~Nature of Counseling~~

~~Counseling is the application of 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.~~

~~Depending on the needs of the client and the availability of services, counseling may range from a few brief interactions in a short period of time, to numerous interactions over an extended period of time. Brief interventions, such as classroom discussions, workshop presentations, or assistance in using assessment, information, or instructional resources, may be sufficient to meet individual needs. Or, these brief interventions may lead to longer term counseling interventions for individuals with more substantial needs.~~

~~Counseling may be delivered by a single counselor, two counselors working collaboratively, or a single counselor with brief assistance from another counselor who has specialized expertise that is needed by the client.~~

### ~~Forms of Counseling~~

~~Counseling can be delivered in a variety of forms that share the definition presented above. Forms of counseling differ with respect to participants, delivery location, communication medium, and interaction process. Counseling *participants* can be individuals, couples, or groups. The *location* for counseling delivery can be face to face or at a distance with the assistance of technology. The *communication medium* for counseling can be what is read from text, what is heard from audio, or what is seen and heard in person or from video. The *interaction process* for counseling can be synchronous or asynchronous. Synchronous interaction occurs with little or no gap in time between the responses of the counselor and the client. Asynchronous interaction occurs with a gap in time between the responses of the counselor and the client.~~

~~The selection of a specific form of counseling is based on the needs and preferences of the client within the range of services available. Distance counseling supplements face to face counseling by providing increased access to counseling on the basis of necessity or convenience. Barriers, such as being a long distance from counseling services, geographic separation of a couple, or limited physical mobility as a result of having a disability, can make it necessary to provide counseling at a distance. Options, such as scheduling counseling sessions outside of traditional service delivery hours or delivering counseling services at a place of residence or employment, can make it more convenient to provide counseling at a distance.~~

~~*A Taxonomy of Forms of Counseling Practice.* Table 1 presents a taxonomy of currently available forms of counseling practice. This schema is intended to show the relationships among counseling forms.~~

~~Table 1~~

~~A Taxonomy of Face To Face and Technology Assisted Distance Counseling Counseling~~

~~Face To Face Counseling~~

~~Individual Counseling~~

~~Couple Counseling~~

~~Group Counseling~~

~~Technology Assisted Distance Counseling~~

~~Telecounseling~~

~~Telephone Based Individual Counseling~~

~~Telephone Based Couple Counseling~~

~~Telephone Based Group Counseling~~

~~Internet Counseling~~

~~E Mail Based Individual Counseling~~

~~Chat Based Individual Counseling~~

~~Chat Based Couple Counseling~~

~~Chat Based Group Counseling~~

~~Video Based Individual Counseling~~

~~Video Based Couple Counseling~~

~~Video Based Group Counseling~~

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**Definitions**

~~*Counseling* is the application of 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.~~

~~*Face-to-face counseling* for individuals, couples, and groups involves synchronous interaction between and among counselors and clients using what is seen and heard in person to communicate.~~

~~Technology assisted distance counseling for individuals, couples, and groups involves the use of the telephone or the computer to enable counselors and clients to communicate at a distance when circumstances make this approach necessary or convenient.~~

~~Telecounseling involves synchronous distance interaction among counselors and clients using one to one or conferencing features of the telephone to communicate.~~

~~Telephone based individual counseling involves synchronous distance interaction between a counselor and a client using what is heard via audio to communicate.~~

~~Telephone-based couple counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is heard via audio to communicate.~~

~~Telephone-based group counseling involves synchronous distance interaction among counselors and a client using what is heard via audio to communicate.~~

~~Internet counseling involves asynchronous and synchronous distance interaction among counselors and clients using e-mail, chat, and videoconferencing features of the Internet to communicate.~~

~~mail-based individual Internet counseling involves asynchronous distance interaction between counselor and client using what is read via text to communicate.~~

~~Chat-based individual Internet counseling involves synchronous distance interaction between counselor and client using what is read via text to communicate.~~

~~Chat-based couple Internet counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is read via text to communicate.~~

~~Chat-based group Internet counseling involves synchronous distance interaction among counselors and a client using what is read via text to communicate.~~

~~Video-based individual Internet counseling involves synchronous distance interaction between counselor and client using what is seen and heard via video to communicate.~~

~~Video-based couple Internet counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is seen and heard via video to communicate.~~

~~Video-based group Internet counseling involves synchronous distance interaction among counselors and clients using what is seen and heard via video to communicate.~~

#### ~~Standards for the Ethical Practice of Internet Counseling~~

~~These standards govern the practice of Internet counseling and are intended for use by counselors, clients, the public, counselor educators, and organizations that examine and deliver Internet counseling. These standards are intended to address practices that are unique to Internet counseling and Internet counselors and do not duplicate principles found in traditional codes of ethics.~~

~~These Internet counseling standards of practice are based upon the principles of ethical practice embodied in the NBCC Code of Ethics. Therefore, these standards should be used in conjunction with the most recent version of the NBCC ethical code. Related content in the NBCC Code are indicated in parentheses after each standard.~~

~~Recognizing that significant new technology emerges continuously, these standards should be reviewed frequently. It is also recognized that Internet counseling ethics cases should be reviewed in light of delivery systems existing at the moment rather than at the time the standards were adopted.~~

#### ~~Internet Counseling Relationship~~

~~In situations where it is difficult to verify the identity of the Internet client, steps are taken to address impostor concerns, such as by using code words or numbers.~~

~~Internet counselors determine if a client is a minor and therefore in need of parental/guardian consent. When parent/guardian consent is required to provide Internet counseling to minors, the identity of the consenting person is verified.~~

~~As part of the counseling orientation process, the Internet counselor explains to clients the procedures for contacting the Internet counselor when he or she is off-line and, in the case of asynchronous counseling, how often e-mail messages will be checked by the Internet counselor.~~

~~As part of the counseling orientation process, the Internet counselor explains to clients the possibility of technology failure and discusses alternative modes of communication, if that failure occurs.~~

~~As part of the counseling orientation process, the Internet counselor explains to clients how to cope with potential misunderstandings when visual cues do not exist.~~

~~As a part of the counseling orientation process, the Internet counselor collaborates with the Internet client to identify an appropriately trained professional who can provide local assistance, including crisis intervention, if needed. The Internet counselor and Internet client should also collaborate to determine the local crisis hotline telephone number and the local emergency telephone number.~~

~~The Internet counselor has an obligation, when appropriate, to make clients aware of free public access points to the Internet within the community for accessing Internet counseling or Web-based assessment, information, and instructional resources.~~

~~Within the limits of readily available technology, Internet counselors have an obligation to make their Web site a barrier-free environment to clients with disabilities.~~

~~Internet counselors are aware that some clients may communicate in different languages, live in different time zones, and have unique cultural perspectives. Internet counselors are also aware that local conditions and events may impact the client.~~

### ~~Confidentiality in Internet Counseling~~

~~The Internet counselor informs Internet clients of encryption methods being used to help insure the security of client/counselor/supervisor communications.~~

~~Encryption methods should be used whenever possible. If encryption is not made available to clients, clients must be informed of the potential hazards of unsecured communication on the Internet. Hazards may include unauthorized monitoring of transmissions and/or records of Internet counseling sessions.~~

~~The Internet counselor informs Internet clients if, how, and how long session data are being preserved.~~

~~Session data may include Internet counselor/Internet client e-mail, test results, audio/video session recordings, session notes, and counselor/supervisor communications. The likelihood of electronic sessions being preserved is greater because of the ease and decreased costs involved in recording. Thus, its potential use in supervision, research, and legal proceedings increases.~~

~~12. Internet counselors follow appropriate procedures regarding the release of information for sharing Internet client information with other electronic sources.~~

~~Because of the relative ease with which e-mail messages can be forwarded to formal and casual referral sources, Internet counselors must work to insure the confidentiality of the Internet counseling relationship.~~

### ~~Legal Considerations, Licensure, and Certification~~

~~13. Internet counselors review pertinent legal and ethical codes for guidance on the practice of Internet counseling and supervision.~~

~~Local, state, provincial, and national statutes as well as codes of professional membership organizations, professional certifying bodies, and state or provincial licensing boards need to be reviewed. Also, as varying state rules and opinions exist on questions pertaining to whether Internet counseling takes place in the Internet counselor's location or the Internet client's location, it is important to review codes in the counselor's home jurisdiction as well as the client's. Internet counselors also consider carefully local customs regarding age of consent and child abuse reporting, and liability insurance policies need to be reviewed to determine if the practice of Internet counseling is a covered activity.~~

~~The Internet counselor's Web site provides links to websites of all appropriate certification bodies and licensure boards to facilitate consumer protection.~~

## XIII. FEES

### Section 13.1 LICENSE APPLICATION FEES



*Application Fee Initial LAC/LPC/LAMFT/LMFT License	<del>\$ 200</del> <u>100</u>
<del>Application LAC to LPC or LAMFT to LMFT License</del>	<del>\$100</del>
Application for Board Approved Supervisor Status Fee	\$ 50
<del>*Application for Specialization License/Licenses</del>	<del>\$ 50</del>
Application Extension Fee	\$ 50
New License Fee LAC to LPC or LAMFT to LMFT	\$ 50

~~First license fee for LAC/LAMFT is prorated based on the biennial \$250.00 license fee, according to the number of months licensed, one time only, beginning July 1 of the fiscal year of license issue.~~

~~First license fee for LPC/LMFT is prorated based on the biennial \$300.00 license fee, according to the number of months licensed, one time only, beginning July 1 of the fiscal year of license issue.~~

Section 13.2 LICENSE FEES

Associates (LAC/LAMFT) \$200

Professionals (LPC or LMFT) \$250

Dual license LAC/LAMFT \$350

Dual license LPC/LMFT \$400

First license fee for all licenses is prorated based on the biennial license fee, according to the number of months licensed, one time only, beginning June 1 of the fiscal year of license issue.

Section 13.3 License Renewal Fees

Biennial license renewal-Associates (LAC/LAMFT) ~~\$250~~ 200

Biennial license renewal-Professionals (LPC or LMFT) ~~\$300~~ 250

Biennial Dual license renewal fee: LAC/LAMFT ~~\$400~~ 350

Biennial Dual license renewal fee: LPC/LMFT ~~\$450~~ 400

Late renewal fee ~~July 1 to December 1~~ \$100 per month

Biennial Non-practicing status renewal fee \$50

~~Late renewal fee December 2 to June 30~~ \$200

~~Specialization renewal fee \$0.00 (renewal based on generic license renewal) if required continuing education submitted with renewal. If late, the late renewal fee will apply to specialization license renewal.~~

~~\*If Specialization License applied for with initial application for the LAC/LPC, LAMFT/LMFT license the Specialization License fee of \$50.00 does not apply.~~

#### Section 13.4 License Examination Fees

NCE Examination - pay to NBCC

NCMHCE Examination - pay to NBCC

AMFTRB Examination -pay to AMFTRB

Jurisprudence Examination – pay to NBCC

### XIV. DECLARATORY ORDERS

#### Section 14.1 Purpose and Use of Declaratory Orders

A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the board has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from a board. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

#### Section 14.2 The Petition

The process to obtain a declaratory order is begun by filing with the Board a petition that provides the following information:

- (a) The caption shall read: Petition for Declaratory Order before the Arkansas Board of Examiners in Counseling.
- (b) The name, address, telephone number, and facsimile number of the petitioner.
- (c) The name, address, telephone number, and facsimile number of the attorney of the petitioner.
- (d) The statutory provision(s), agency rule(s), or agency order(s) on which the declaratory order is sought.
- (e) A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order.

- (f) The signature of the petitioner or petitioner's attorney.
- (g) The date.
- (h) Request for a hearing, if desired.

Section 14.3 Board Disposition

- (a) The board may hold a hearing to consider a petition for declaratory order. If a hearing is held, it shall be conducted in accordance with Ark. Code Ann. §25-15-208 and §25-15-213, and the board's rules for adjudicatory hearings.
- (b) The board may rely on the statements of fact set out in the petition without taking any position with regard to validity of the facts. Within ninety (90) days of the filing of the petition, the board will render a final order denying the petition or issuing a declaratory order.

State of Arkansas

As Engrossed: S3/28/19

92nd General Assembly

# A Bill

Regular Session, 2019

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace

By: Representative Bentley

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL  
LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING  
MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE  
AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL  
OF RULES SUBMITTED BY OCCUPATIONAL LICENSING  
ENTITIES; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING THE  
OCCUPATIONAL LICENSURE OF ACTIVE DUTY  
SERVICE MEMBERS, RETURNING MILITARY  
VETERANS, AND THEIR SPOUSES; TO PROVIDE  
AUTOMATIC LICENSURE; TO REQUIRE REVIEW  
AND APPROVAL OF RULES SUBMITTED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

(1) The current law regarding the issuance of licenses,  
certificates, and permits required to enable the holder to lawfully engage in  
a profession, trade, or employment in this state continues to constitute a  
hardship on active duty service members, returning military veterans, and  
their spouses;

(2) Acts 2017, No. 248, amended the law to require that all  
state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty  
2 service members, returning military veterans, and their spouses;

3 (3) State boards and commissions required to promulgate rules by  
4 Acts 2017, No. 248, have failed to do so in accordance with the law; and

5 (4) Automatic licensure is necessary to remedy these hardships  
6 and allow active duty service members, returning military veterans, and their  
7 spouses to engage in their chosen professions.

8  
9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of Automatic~~  
11 licensure for active duty service members, returning military veterans, and  
12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section:

14 (1) "Automatic licensure" means the granting of occupational  
15 licensure without an individual's having met occupational licensure  
16 requirements provided under this title or by the rules of the occupational  
17 licensing entity;

18 (2) "Occupational licensing entity" means an office, board,  
19 commission, department, council, bureau, or other agency of state government  
20 having authority to license, certify, register, permit, or otherwise  
21 authorize an individual to engage in a particular occupation or profession;

22 (3) "Occupational licensure" means a license, certificate,  
23 registration, permit, or other form of authorization required by law or rule  
24 that is required for an individual to engage in a particular occupation or  
25 profession; and

26 (4) "returning Returning military veteran" means a former member  
27 of the United States Armed Forces who was discharged from active duty under  
28 circumstances other than dishonorable.

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~  
30 ~~or permits required to enable the holder to lawfully engage in a profession,~~  
31 ~~trade, or employment in this state~~ An occupational licensing entity shall  
32 allow grant the following individuals to secure employment with a temporary  
33 license, certificate, or permit while completing the application process for  
34 full licensure or certification or permitting automatic licensure to engage  
35 in an occupation or profession if the to an individual who is the holder in  
36 good standing of a substantially equivalent license, certificate, or permit



1 occupational license issued by another state, territory, or district of the  
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the  
4 State of Arkansas;

5 ~~(2)(B)~~ A returning military veteran applying for licensure  
6 within one (1) year of his or her discharge from active duty; or

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~  
8 (b)(1)(A) and ~~(2)~~ (b)(1)(B) of this section.

9 (2) However, an occupational licensing entity shall be required  
10 to provide automatic licensure if the proposed rules are not approved as  
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~  
13 ~~procedures for full licensure, certification, or permitting for the following~~  
14 ~~individuals:~~

15 ~~(1) An active duty military service member stationed in the~~  
16 ~~State of Arkansas;~~

17 ~~(2) A returning military veteran applying within one (1) year of~~  
18 ~~his or her discharge from active duty; or~~

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~  
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~  
22 ~~certification, or permitting for an active duty military service member~~  
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~  
24 ~~within one (1) year of his or her discharge from active duty, a state board~~  
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~  
27 ~~training and experience in the area of licensure, certification, or~~  
28 ~~permitting is substantially similar to experience or education required for~~  
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~  
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~  
32 ~~experience or education required for licensure, certification, or permitting~~  
33 ~~if the state board or commission determines the military training and~~  
34 ~~experience is a satisfactory substitute for the experience or education~~  
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~  
2 ~~an active duty military service member deployed outside the State of Arkansas~~  
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~  
4 ~~following the active duty military service member's or spouse's return from~~  
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~  
7 ~~exemption from continuing education required as part of licensure,~~  
8 ~~certification, or permitting for a profession, trade, or employment in this~~  
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~  
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~  
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~  
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~  
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~  
18 ~~section may require evidence of completion of continuing education before~~  
19 ~~issuing the individual a subsequent license, certificate, or permit or~~  
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~  
22 ~~to carry out the provisions of this section.~~

23 An occupational licensing entity may submit proposed rules recommending  
24 an expedited process and procedure for occupational licensure instead of  
25 automatic licensure as provided under subsection (b) of this section to the  
26 Administrative Rules and Regulations Subcommittee of the Legislative Council.

27 (d) The Administrative Rules and Regulations Subcommittee of the  
28 Legislative Council shall:

29 (1) Review the proposed rules of an occupational licensing  
30 entity as submitted for public comment and at least thirty (30) days before  
31 the public comment period ends under the Arkansas Administrative Procedure  
32 Act, § 25-15-201 et seq.; and

33 (2) Approve the proposed rules submitted under subsection (c)  
34 based on:

35 (A) A determination of whether the expedited process and  
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

2 (B) Any other criteria the Administrative Rules and  
3 Regulations Subcommittee of the Legislative Council determines necessary to  
4 achieve the objectives of this section.

5 (e) The Administrative Rules and Regulations Subcommittee of the  
6 Legislative Council may:

7 (1) Establish a subcommittee to assist in the duties assigned  
8 under this section;

9 (2) Assign information filed with the Administrative Rules and  
10 Regulations Subcommittee of the Legislative Council under this section to one  
11 (1) or more subcommittee of the Legislative Council, including without  
12 limitation a subcommittee created under subdivision (e)(1) of this section;  
13 or

14 (3) Delegate its duties under this section to one (1) or more  
15 subcommittees of the Legislative Council, subject to final review and  
16 approval of the Administrative Rules and Regulations Subcommittee of the  
17 Legislative Council.

18 (f) An occupational licensing entity shall:

19 (1) Submit proposed rules authorized under subsection (c) of  
20 this section to the Administrative Rules and Regulations Subcommittee of the  
21 Legislative Council for review and approval before the proposed rules are  
22 promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et  
23 seq.; and

24 (2) Provide to the House Committee on Aging, Children and Youth,  
25 Legislative and Military Affairs an annual report stating the number of  
26 automatic licenses and expedited occupational licenses granted under this  
27 section to:

28 (A) Active duty military service members stationed in the  
29 State of Arkansas;

30 (B) Returning military veterans applying within one (1)  
31 year of his or her discharge from active duty; or

32 (C) The spouse of a person under subdivisions (f)(2)(A)  
33 and (f)(2)(B) of this section.

34  
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational  
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as  
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations  
3 Subcommittee of the Legislative Council shall complete the review and  
4 approval process of the proposed rules required by § 17-1-106 within one (1)  
5 year of the effective date of this act.

6  
7  
8 */s/ Irvin*

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11 **APPROVED: 4/9/19**  
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State of Arkansas                      *As Engrossed: S3/18/19 H4/3/19*  
92nd General Assembly                      **A Bill**  
Regular Session, 2019

SENATE BILL 451

By: Senator J. Cooper  
By: Representative Dalby

**For An Act To Be Entitled**

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL  
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO  
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND  
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND  
FOR OTHER PURPOSES.

**Subtitle**

TO AMEND THE LAWS REGARDING CRIMINAL  
BACKGROUND CHECKS FOR PROFESSIONS AND  
OCCUPATIONS TO OBTAIN CONSISTENCY  
REGARDING CRIMINAL BACKGROUND CHECKS AND  
DISQUALIFYING OFFENSES FOR LICENSURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit  
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to  
participate in the Occupational Licensing Policy Learning Consortium, an  
initiative funded by a grant from the United States Department of Labor and  
supported in partnership with the National Conference of State Legislatures,  
the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals  
to the Red Tape Reduction Working Group to review and address occupational





1 licensing regulations that create unnecessary barriers to labor market entry;  
2 and

3 (4) The Red Tape Reduction Working Group issued a final report  
4 to the Governor in the fall of 2018 with five (5) recommendations for  
5 substantive legislative reform, which are to:

6 (A) Establish an expedited procedure for occupational  
7 licensing entities to collectively submit administrative rules that are  
8 responsive to new legislation;

9 (B) Extend Acts 2017, No. 781, to allow repeal of  
10 subsections of rules;

11 (C) Establish provisions to allow certain agencies to  
12 consider occupational relevance with regard to criminal background issues;

13 (D) Authorize occupational licensing entities to identify  
14 types of individuals or entities that may be issued temporary or provisional  
15 licenses; and

16 (E) Establish a systematic process for review of:

17 (i) New occupational licenses and occupational  
18 licensing entities; and

19 (ii) Existing occupational licenses and occupational  
20 licensing entities.

21 (b) It is the intent of the General Assembly to establish provisions  
22 to allow certain agencies to consider occupational relevance with regard to  
23 criminal background issues.

24  
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional  
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29  
30 17-2-101. Definitions.

31 As used in this subchapter:

32 (1) "Criminal record" means any type of felony or misdemeanor  
33 conviction;

34 (2) "Licensing entity" means an office, board, commission,  
35 department, council, bureau, or other agency of state government having  
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

2 (3) "License" means a license, certificate, registration,  
3 permit, or other form of authorization required by law or rule that is  
4 required for an individual to engage in a particular occupation or  
5 profession.

6  
7 17-2-102. Licensing restrictions based on criminal records.

8 (a) An individual is not eligible to receive or hold a license issued  
9 by a licensing entity if that individual has pleaded guilty or nolo  
10 contendere to or been found guilty of any of the following offenses by any  
11 court in the State of Arkansas or of any similar offense by a court in  
12 another state or of any similar offense by a federal court, unless the  
13 conviction was lawfully sealed under the Comprehensive Criminal Record  
14 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,  
15 pardoned or expunged under prior law:

16 (1) Capital murder as prohibited in § 5-10-101;

17 (2) Murder in the first degree and second degree as prohibited  
18 in §§ 5-10-102 and 5-10-103;

19 (3) Manslaughter as prohibited in § 5-10-104;

20 (4) Negligent homicide as prohibited in § 5-10-105;

21 (5) Kidnapping as prohibited in § 5-11-102;

22 (6) False imprisonment in the first degree as prohibited in § 5-  
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-  
25 106;

26 (8) Robbery as prohibited in § 5-12-102;

27 (9) Aggravated robbery as prohibited in § 5-12-103;

28 (10) Battery in the first degree as prohibited in § 5-13-201;

29 (11) Aggravated assault as prohibited in § 5-13-204;

30 (12) Introduction of a controlled substance into the body of  
31 another person as prohibited in § 5-13-210;

32 (13) Aggravated assault upon a law enforcement officer or an  
33 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y  
34 felony;

35 (14) Terroristic threatening in the first degree as prohibited  
36 in § 5-13-301;

- 1           (15) Rape as prohibited in § 5-14-103;  
2           (16) Sexual indecency with a child as prohibited in § 5-14-110;  
3           (17) Sexual extortion as prohibited in § 5-14-113;  
4           (18) Sexual assault in the first degree, second degree, third  
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;  
6           (19) Incest as prohibited in § 5-26-202;  
7           (20) Offenses against the family as prohibited in §§ 5-26-303 –  
8 5-26-306;  
9           (21) Endangering the welfare of an incompetent person in the  
10 first degree, as prohibited in § 5-27-201;  
11           (22) Endangering the welfare of a minor in the first degree as  
12 prohibited in § 5-27-205;  
13           (23) Permitting the abuse of a minor as prohibited in § 5-27-  
14 221;  
15           (24) Engaging children in sexually explicit conduct for use in  
16 visual or print media, transportation of minors for prohibited sexual  
17 conduct, pandering or possessing visual or print medium depicting sexually  
18 explicit conduct involving a child, or use of a child or consent to use of a  
19 child in a sexual performance by producing, directing, or promoting a sexual  
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,  
21 and 5-27-403;  
22           (25) Computer child pornography as prohibited in § 5-27-603;  
23           (26) Computer exploitation of a child in the first degree as  
24 prohibited in § 5-27-605;  
25           (27) Felony adult abuse as prohibited in § 5-28-103;  
26           (28) Theft of property as prohibited in § 5-36-103;  
27           (29) Theft by receiving as prohibited in § 5-36-106;  
28           (30) Arson as prohibited in § 5-38-301;  
29           (31) Burglary as prohibited in § 5-39-201;  
30           (32) Felony violation of the Uniform Controlled Substances Act,  
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-  
32 419 – 5-64-442;  
33           (33) Promotion of prostitution in the first degree as prohibited  
34 in § 5-70-104;  
35           (34) Stalking as prohibited in § 5-71-229;  
36           (35) Criminal attempt, criminal complicity, criminal

solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) of this section, a licensing entity may waive disqualification or revocation of a license based on the conviction if a request for a waiver is made by:

(A) An affected applicant for a license; or

(B) The individual holding a license subject to revocation.

(2) A basis upon which a waiver may be granted includes without limitation:

(A) The age at which the offense was committed;

(B) The circumstances surrounding the offense;

(C) The length of time since the offense was committed;

(D) Subsequent work history since the offense was committed;

(E) Employment references since the offense was committed;

(F) Character references since the offense was committed;

(G) Relevance of the offense to the occupational license;

and

(H) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

(A) Was not convicted for committing a violent or sexual offense; and

(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the

1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

3 (e) Due to the serious nature of the offenses, the following shall  
4 result in permanent disqualification for licensure:

5 (1) Capital murder as prohibited in § 5-10-101;

6 (2) Murder in the first degree as prohibited in § 5-10-102 and  
7 murder in the second degree as prohibited in § 5-10-103;

8 (3) Kidnapping as prohibited in § 5-11-102;

9 (4) Aggravated assault upon a law enforcement officer or an  
10 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y  
11 felony;

12 (5) Rape as prohibited in § 5-14-103;

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-  
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

16 (8) Incest as prohibited in § 5-26-202;

17 (9) Endangering the welfare of an incompetent person in the  
18 first degree as prohibited in § 5-27-201;

19 (10) Endangering the welfare of a minor in the first degree as  
20 prohibited in § 5-27-205;

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-  
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

24 (f) This chapter does not preclude a licensing entity from taking  
25 emergency action against a licensee as authorized under § 25-15-211 for the  
26 sake of public health, safety, or welfare.

27 (g) The permanent disqualification for an offense listed in subsection  
28 (e) of this section does not apply to an individual who holds a valid license  
29 on the effective date of this chapter.

30 (h) This section does not apply to licensure or certification:

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners  
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under  
35 the Private Security Agency, Private Investigator, and School Security  
36 Licensing and Credentialing Act, § 17-40-101 et seq.



17-2-103. Prelicensure criminal background checks.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure and whether or not he or she could obtain a waiver under § 17-2-102(b).

(2) The petition shall include details on the criminal record of the individual.

(b)(1) A licensing entity may require that the applicant undergo a state and federal criminal background check as required by the licensing entity for all applicants for a license.

(2) The petitioner under subsection (a) of this section shall be responsible for payment for the state and federal criminal background check.

17-2-104. Rules.

(a) A licensing entity shall adopt or amend rules necessary for the implementation of this chapter.

(b)(1) When adopting or amending rules to implement this chapter, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(2) A licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstractor, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

1 reapplication for a certificate of registration by the Arkansas Abstracters'  
2 Board, is amended to read as follows:

3 (a) If the applicant satisfactorily passes the examinations ~~and is of~~  
4 ~~good moral character~~, the applicant shall be certified as a registered  
5 abstracter, and the certificate provided for shall be issued to him or her.  
6 The privileges granted by the certificate shall continue unless revoked, as  
7 provided in this chapter, or unless the certificate is otherwise surrendered  
8 to the Arkansas Abstracters' Board.

9  
10 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of  
11 certificates authorized by the Arkansas Abstracters' Board, is amended to  
12 read as follows:

13 (a) The Arkansas Abstracters' Board is authorized, after a hearing as  
14 provided in § 17-11-341, to cancel and revoke any certificate of registration  
15 issued to any person under the provisions of this chapter:

16 (1) For a violation of any of the provisions of this chapter;

17 (2) Upon a conviction of the holder of such a certificate of a  
18 crime ~~involving moral turpitude~~ under § 17-1-102; or

19 (3) If the board finds the holder to be guilty of habitual  
20 carelessness or of fraudulent practices in the conduct of the business of  
21 abstracting.

22  
23 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure  
24 of appeal for revocation of certificates authorized by the Arkansas  
25 Abstracters' Board, is amended to read as follows:

26 (a)(1) Upon a verified complaint being filed with the Arkansas  
27 Abstracters' Board or upon the board's own motion filing a complaint charging  
28 the holder of a certificate of registration with a violation of any of the  
29 provisions of this chapter, or conviction of a crime involving ~~moral~~  
30 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent  
31 practices in the conduct of the business of abstracting, or charging the  
32 holder of a certificate of authority with failure to furnish the bond or  
33 bonds, or other securities, required by § 17-11-324, or with failing to have  
34 employed a registered abstracter as provided in § 17-11-301, or with a  
35 violation of any of the provisions of this chapter, the board shall  
36 immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

1 accountant.

2  
3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal  
4 background check for initial licensure of accountants, is amended to read as  
5 follows:

6 (d) Upon completion of the criminal background checks, the  
7 Identification Bureau of the Department of Arkansas State Police shall  
8 forward to the board all releasable information obtained concerning the  
9 ~~commission by the applicant of any offense listed in subsection (e) of this~~  
10 ~~section.~~

11  
12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal  
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~  
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~  
16 ~~federal court may not receive or hold a license as a certified public~~  
17 ~~accountant or public accountant.~~

18  
19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the  
20 grounds for revocation or suspension of licensure of accountants, are amended  
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~  
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,  
25 ~~or fraud, or moral turpitude~~ under the law of any state or of the United  
26 States;

27  
28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for  
29 revocation or suspension of licensure of an accountant, is amended to add an  
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas  
32 State Board of Public Accountancy may refuse to issue a license to or  
33 reinstate a license of a person who has been convicted of a felony involving  
34 theft or fraud, regardless of the amount of time that has elapsed since the  
35 conviction.

1 SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers  
2 and duties regarding criminal background checks of the Arkansas Appraiser  
3 Licensing and Certification Board, is amended to read as follows:

4 (i) During the five (5) years immediately preceding  
5 the date of the application was convicted of, or pled guilty or nolo  
6 contendere to, a crime that would call into question the applicant's fitness  
7 for registration, licensure, or certification, including without limitation a  
8 crime involving:

9 ~~(a) Moral turpitude;~~

10 ~~(b)(1)(a)(1)~~ An act substantially related to  
11 the qualifications, functions, or duties of an appraiser.

12 (2) A crime or act may be deemed  
13 substantially related to the qualifications, functions, or duties of an  
14 appraiser if, to a substantial degree, the crime or act evidences present or  
15 potential unfitness of a person applying for or holding a real property  
16 appraiser credential to perform the functions authorized by the credential;

17 ~~(e)(b)~~ Taking, appropriating, or retaining the  
18 funds or property of another;

19 ~~(d)(c)~~ Forging, counterfeiting, or altering an  
20 instrument affecting the rights or obligations of another;

21 ~~(e)(d)~~ Evasion of a lawful debt or obligation,  
22 including without limitation a tax obligation;

23 ~~(f)(e)~~ Trafficking in narcotics or controlled  
24 substances;

25 ~~(g)(f)~~ Violation of a relation of trust or  
26 confidence;

27 ~~(h)(g)~~ Theft of personal property or funds;

28 ~~(i)(h)~~ An act of violence or threatened  
29 violence against persons or property; or

30 ~~(j)(i)~~ A sexually related crime or act under §  
31 5-14-101 et seq.;

32  
33 SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and  
34 disciplinary procedures of the Arkansas Appraiser Licensing and Certification  
35 Board for licensees, is repealed.

36 ~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~



1 ~~involving moral turpitude or of any felony.~~

2 ~~(B) A plea of nolo contendere or no contest shall be~~  
3 ~~considered a conviction for the purposes of this section.~~

4  
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements  
6 for registration under the Appraisal Management Company Registration Act, is  
7 amended to read as follows:

8 (3)(A) The name, address, and contact information of any person  
9 that owns ten percent (10%) or more of the appraisal management company.

10 (B) Any person owning more than ten percent (10%) of an  
11 appraisal management company in this state shall:

12 ~~(i) Be of good moral character, as determined by the~~  
13 ~~board; and~~

14 ~~(ii) Submit~~ submit to a state criminal background  
15 check and a national fingerprint-based criminal background check performed by  
16 the Federal Bureau of Investigation in compliance with federal law and  
17 regulations;

18  
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the  
20 disciplinary authority, enforcement, and hearings under the Appraisal  
21 Management Company Registration Act, is amended to read as follows:

22 (3) The person has pleaded guilty or nolo contendere to or been  
23 found guilty of:

24 (A) A felony listed under § 17-2-102; or

25 (B) Within the past ten (10) years:

26 (i) A misdemeanor involving mortgage lending or real  
27 estate appraising; or

28 (ii) An offense involving breach of trust, ~~moral~~  
29 ~~turpitude~~, or fraudulent or dishonest dealing;

30  
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of  
32 "good moral character" related to architects, is repealed.

33 ~~(3)(A) "Good moral character" means character that will enable a~~  
34 ~~person to discharge the fiduciary duties of an architect to his or her client~~  
35 ~~and to the public for the protection of health, safety, and welfare.~~

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~  
2 ~~308,~~

3  
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations  
5 to be a registered and licensed architect, is amended to read as follows:

6 (b)(1) To be qualified for admission to an examination to practice  
7 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least  
8 twenty-one (21) years of age ~~and of good moral character.~~

9  
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for  
11 revocation of a license for an architect, is amended to read as follows:

12 (5) The holder of the license or certificate of registration has  
13 been guilty of a felony listed under § 17-2-102;

14  
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the  
16 registration requirements for an athlete agent under the Uniform Athlete  
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to  
19 paragraph (7) has been convicted of a crime that, if committed in this State,  
20 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-  
21 102, and identify the crime;

22  
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or  
24 revocation of a license of an auctioneer, is amended to read as follows:

25 (6) Being convicted of a criminal offense involving ~~moral~~  
26 ~~turpitude~~ or a felony listed under § 17-2-102 in a court of competent  
27 jurisdiction of this or any other jurisdiction;

28  
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character  
30 references for a professional bail bondsman license, is amended to read as  
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that  
33 he or she is competent, trustworthy, financially responsible, and of good  
34 personal and business reputation and has not been convicted of a felony ~~or~~  
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.

1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension  
2 and penalties for a professional bail bondsman licensee, is amended to read  
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this  
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been  
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §  
7 17-2-102;

8  
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

10 17-20-302. Qualifications of applicants.

11 Any person shall be qualified to receive a certificate of registration  
12 to practice as a registered barber who:

13 (1) Is qualified under this chapter;

14 ~~(2) Is of good moral character and temperate habits;~~

15 ~~(3)~~(2) Has passed a satisfactory examination conducted by the  
16 State Board of Barber Examiners to determine his or her fitness to practice  
17 barbering;

18 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

19 ~~(5)~~(4) Has received training approved by the appropriate  
20 licensing authorities.

21  
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for  
23 disciplinary action of barbers, is amended to read as follows:

24 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a  
25 certified copy of the record of the court of conviction.

26  
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for  
28 revocation, suspension, or refusal of license issued by the State Board of  
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31  
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the  
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications  
35 of any applicant for an original license or any renewal license, shall, among  
36 other things, consider the following:

- 1 (1) Experience;
- 2 (2) Ability;
- 3 ~~(3) Character;~~
- 4 ~~(4)~~(3) The manner of performance of previous contracts;
- 5 ~~(5)~~(4) Financial condition;
- 6 ~~(6)~~(5) Equipment;
- 7 ~~(7)~~(6) Any other fact tending to show ability and willingness to
- 8 conserve the public health and safety; and
- 9 ~~(8)~~(7) Default in complying with the provisions of this chapter
- 10 or ~~any other~~ another law of the state.
- 11

12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications  
13 for a contractors license, is amended to add an additional subsection to read  
14 as follows:

15 (c) In addition to the offenses listed in § 17-2-102, the board may  
16 consider the following offenses when determining fitness for licensure or  
17 registration of a contractor under this chapter:

18 (1) Conviction of a crime with an element of dishonesty or fraud  
19 under the laws of this state, another state, or the United States;

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-  
21 16-102;

22 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et  
23 seq.; and

24 (4)(A) A crime or act that is substantially related to the  
25 qualifications, functions, or duties of a contractor.

26 (B) A crime or act may be deemed substantially related to  
27 the qualifications, functions, or duties of a contractor if, to a substantial  
28 degree, the crime or act evidences present or potential unfitness of a person  
29 applying for or holding a contractors license or registration to perform the  
30 functions authorized by the license or registration.

31  
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications  
33 for a contractors license through the Residential Contractors Committee, is  
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee  
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

2 (1) Conviction of a crime with an element of dishonesty or fraud  
3 under the laws of this state, another state, or the United States;

4 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-  
5 16-102;

6 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et  
7 seq.; and

8 (4)(A) A crime or act that is substantially related to the  
9 qualifications, functions, or duties of a contractor.

10 (B) A crime or act may be deemed substantially related to  
11 the qualifications, functions, or duties of a contractor if, to a substantial  
12 degree, the crime or act evidences present or potential unfitness of a person  
13 applying for or holding a contractors license or registration to perform the  
14 functions authorized by the license or registration.

15  
16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for  
17 disciplinary action for cosmetology and other related occupations, is amended  
18 to read as follows:

19 (10) Conviction under the laws of the United States or any state  
20 or territory of the United States of a crime that is:

21 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,  
22 as evidenced by a certified copy of a court record or by license application;  
23 and

24 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in  
25 any way related to the practice or teaching of the cosmetology industry,  
26 unless the applicant or licensee can demonstrate to the board's satisfaction  
27 that the applicant or licensee has been sufficiently rehabilitated to warrant  
28 the public trust;

29  
30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of  
31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

32 (c) The committee shall be composed of the following representatives  
33 from within the cosmetology industry who are ~~of good moral character and who~~  
34 ~~are~~ at least twenty-five (25) years of age:

35 (1) One (1) member shall be a licensed cosmetologist actively  
36 engaged in practicing the art of cosmetology for at least five (5) years at



1 the time of appointment;

2 (2) One (1) member shall be a licensed nail technician;

3 (3) One (1) member shall be an owner of a licensed school of  
4 cosmetology or shall be a director of cosmetology at a state-supported  
5 school;

6 (4) One (1) member shall be a licensed aesthetician; and

7 (5) Three (3) members shall represent the cosmetology industry  
8 at large or a related field.

9  
10 SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications  
11 for a licensed professional counselor, is amended to read as follows:

12 (2) The applicant is highly regarded in ~~personal character and~~  
13 professional ethics;

14  
15 SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications  
16 for a licensed marriage and family therapist before January 1, 1998, is  
17 amended to read as follows:

18 (2) The applicant is highly regarded in ~~personal character and~~  
19 professional ethics;

20  
21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:  
22 17-27-313. Criminal background checks.

23 (a) The Arkansas Board of Examiners in Counseling may require each  
24 applicant for license renewal and each first-time applicant for a license  
25 issued by the board to apply to the Identification Bureau of the Department  
26 of Arkansas State Police for a state and national criminal background check,  
27 to be conducted by the Identification Bureau of the Department of Arkansas  
28 State Police and the Federal Bureau of Investigation.

29 (b) The check shall conform to the applicable federal standards and  
30 shall include the taking of fingerprints.

31 (c) The applicant shall sign a release of information to the board and  
32 shall be responsible for the payment of any fee associated with the criminal  
33 background check.

34 (d) Upon completion of the criminal background check, the  
35 Identification Bureau of the Department of Arkansas State Police shall  
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~  
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~  
4 ~~found guilty of any of the following offenses by any court in the State of~~  
5 ~~Arkansas or of any similar offense by a court in another state or of any~~  
6 ~~similar offense by a federal court;~~

7 ~~(1) Capital murder as prohibited in § 5-10-101;~~

8 ~~(2) Murder in the first degree and second degree as prohibited~~  
9 ~~in §§ 5-10-102 and 5-10-103;~~

10 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

11 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

12 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~  
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~  
16 ~~106;~~

17 ~~(8) Robbery as prohibited in § 5-12-102;~~

18 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

19 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

20 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

21 ~~(12) Introduction of controlled substance into body of another~~  
22 ~~person as prohibited in § 5-13-210;~~

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~  
24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~  
26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~  
31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~  
36 ~~first degree as prohibited in § 5-27-201;~~

1           ~~(22) Endangering the welfare of a minor in the first degree as~~  
2 ~~prohibited in § 5-27-205;~~

3           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

4           ~~(24) Engaging children in sexually explicit conduct for use in~~  
5 ~~visual or print media, transportation of minors for prohibited sexual~~  
6 ~~conduct, pandering or possessing visual or print medium depicting sexually~~  
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
10 ~~5-27-403;~~

11           ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

12           ~~(26) Computer exploitation of a child in the first degree as~~  
13 ~~prohibited in § 5-27-605;~~

14           ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

15           ~~(28) Theft of property as prohibited in § 5-36-103;~~

16           ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

17           ~~(30) Arson as prohibited in § 5-38-301;~~

18           ~~(31) Burglary as prohibited in § 5-39-201;~~

19           ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
21 ~~5-64-442;~~

22           ~~(33) Promotion of prostitution in the first degree as prohibited~~  
23 ~~in § 5-70-104;~~

24           ~~(34) Stalking as prohibited in § 5-71-229; and~~

25           ~~(35) Criminal attempt, criminal complicity, criminal~~  
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

28           ~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of  
29 provisional eligibility for licensure to a first-time applicant pending the  
30 results of the criminal background check.

31           ~~(2) Upon receipt of information from the Identification Bureau~~  
32 ~~of the Department of Arkansas State Police that the person holding such a~~  
33 ~~letter of provisional licensure has pleaded guilty or nolo contendere to or~~  
34 ~~been found guilty of any offense listed in subsection (e) of this section,~~  
35 ~~the board shall immediately revoke the provisional license.~~

36           ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

3 ~~(B) The person holding a license subject to revocation;~~

4 ~~(2) Circumstances for which a waiver may be granted shall~~  
5 ~~include, but not be limited to, the following:~~

6 ~~(A) The age at which the crime was committed;~~

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

12 ~~(G) Other evidence demonstrating that the applicant does~~  
13 ~~not pose a threat to the health or safety of children.~~

14 (f) For the purposes of this section, the board shall follow the  
15 licensing restrictions based on criminal records under § 17-2-102.

16 ~~(h)-(i)(g)(1)~~ Any information received by the board from the  
17 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~  
18 under this section shall not be available for examination except by:

19 (A) The affected applicant for licensure, or his or her  
20 authorized representative; or

21 (B) The person whose license is subject to revocation, or  
22 his or her authorized representative.

23 (2) No record, file, or document shall be removed from the  
24 custody of the Department of Arkansas State Police.

25 ~~(i)(h)~~ Any information made available to the affected applicant for  
26 licensure or the person whose license is subject to revocation shall be  
27 information pertaining to that person only.

28 ~~(j)(i)~~ Rights of privilege and confidentiality established under this  
29 section shall not extend to any document created for purposes other than this  
30 background check.

31 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to  
32 fully implement the provisions of this section.

33  
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions  
35 and prohibited conduct of embalmers and funeral directors, is amended to read  
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

2  
3 SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the  
4 administrative violations and penalties for an engineer, is amended to read  
5 as follows:

6 (A) A felony listed under § 17-2-102;

7  
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for  
9 registration with the Arkansas State Board of Registration for Foresters, is  
10 repealed.

11 ~~(c) A person shall not be eligible for registration as a forester who~~  
12 ~~is not of good character and reputation.~~

13  
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a  
15 certificate for a registered forester, is amended to read as follows:

16 (b)(1) The board may revoke the certificate of any registered forester  
17 who has been convicted of a felony listed under § 17-2-102 or who is found  
18 guilty by the board of any fraud, deceit, gross negligence,  
19 misrepresentation, willful violation of contract, misconduct, or gross  
20 incompetence.

21 (2) The board shall investigate such charges.

22  
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the  
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26  
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,  
28 suspension, or revocation of a registration certificate of a geologist, is  
29 amended to read as follows:

30 (3) Any felony listed under § 17-2-102;

31  
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the  
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102  
35 that bears directly on the fitness of the applicant to be registered;

1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of  
2 revocation for a license of an interior designer, is amended to read as  
3 follows:

4 (5) The holder of the registration has been guilty of a felony  
5 listed under § 17-2-102;

6  
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for  
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

10 (1) Be at least twenty-one (21) years of age; and

11 ~~(2) Be of good moral character; and~~

12 ~~(3)~~ (2) Pass an examination covering the matters confronting  
13 landscape architects that is prepared by:

14 (A) The Arkansas State Board of Architects, Landscape  
15 Architects, and Interior Designers; or

16 (B) Another entity as selected by the Arkansas State Board  
17 of Architects, Landscape Architects, and Interior Designers.

18  
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of  
20 revocation for a landscape architect, is amended to read as follows:

21 (5) The holder of the license or certificate has been guilty of  
22 a felony listed under § 17-2-102;

23  
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the  
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any  
27 licensee found guilty shall be subject to disciplinary action as provided in  
28 § 17-42-312:

29 (1) Obtaining a license by means of fraud, misrepresentation, or  
30 concealment;

31 (2) Violating any of the provisions of this chapter or any rules  
32 ~~or regulations adopted pursuant to~~ under this chapter or any order issued  
33 under this chapter;

34 (3) Being convicted of or pleading guilty or nolo contendere to  
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,  
36 *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether



1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

3 (5) Making, printing, publishing, distributing, or causing,  
4 authorizing, or knowingly permitting the making, printing, publication, or  
5 distribution of false statements, descriptions, or promises of such character  
6 as to reasonably induce, persuade, or influence any person to act thereon;

7 (6) Failing within a reasonable time to account for or to remit  
8 any moneys coming into his or her possession which belong to others;

9 (7) Committing any act involving ~~moral turpitude~~ violence,  
10 *fraud*, dishonesty, untruthfulness, or untrustworthiness;

11 (8) Acting for more than one (1) party in a transaction without  
12 the knowledge of all parties for whom he or she acts or accepting a  
13 commission or valuable consideration for the performance of any of the acts  
14 specified in this chapter from any person except the licensed principal  
15 broker under whom he or she is licensed;

16 (9) Acting as a broker or salesperson while not licensed with a  
17 principal broker, representing or attempting to represent a broker other than  
18 the principal broker with whom he or she is affiliated without the express  
19 knowledge and consent of the principal broker, or representing himself or  
20 herself as a salesperson or having a contractual relationship similar to that  
21 of a salesperson with anyone other than a licensed principal broker;

22 (10) Advertising in a false, misleading, or deceptive manner;

23 (11) Being unworthy or incompetent to act as a real estate  
24 broker or salesperson in such a manner as to safeguard the interests of the  
25 public;

26 (12) Paying a commission or valuable consideration to any person  
27 for acts or services performed in violation of this chapter, including paying  
28 a commission or other valuable consideration to an unlicensed person for  
29 participation in a real estate auction; and

30 (13) Any other conduct, whether of the same or a different  
31 character from that specified in this section, which constitutes improper,  
32 fraudulent, or dishonest dealing.

33  
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal  
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person  
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed  
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, fraud,  
4 dishonesty, untruthfulness, or untrustworthiness.

5  
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance  
7 or denial of a license for an instructor of real estate education license, is  
8 amended to read as follows:

9 (3) The person or entity has pleaded guilty or nolo contendere  
10 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor  
11 involving violence, fraud, misrepresentation, or dishonest or dishonorable  
12 dealing in a court of competent jurisdiction; or

13  
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations  
15 that disqualify for a real estate educator license or licensee, is amended to  
16 read as follows:

17 (3) Committing an act, a felony listed under § 17-2-102, or a  
18 crime involving ~~moral turpitude~~ violence, fraud, dishonesty, untruthfulness,  
19 or untrustworthiness regardless of whether the imposition of the sentence has  
20 been deferred or suspended;

21  
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application  
23 for examination for a sanitarian certificate of registration, is amended to  
24 read as follows:

25 (a) The Arkansas State Board of Sanitarians shall admit to examination  
26 any person who makes application to the Secretary of the Arkansas State Board  
27 of Sanitarians on forms prescribed and furnished by the board, and pays an  
28 application fee of twenty dollars (\$20.00) to defray the expense of  
29 examination, ~~and submits evidence satisfactory to the board that he or she is~~  
30 ~~of good moral character.~~

31  
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:  
33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of  
35 registration without examination to any person who makes application on forms  
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)~~(1) Has had at least two (2) years' experience in the field  
4 of environmental sanitation; and

5 ~~(3)~~(2) Is registered as a sanitarian in a state in which the  
6 qualifications for registration are not lower than the qualifications for  
7 registration in this state at the time he or she applies for registration.  
8

9 SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for  
10 suspension, revocation, or refusal to renew a sanitarian certificate of  
11 registration, is amended to read as follows:

12 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or  
13 refuse to renew a certificate of registration upon proof that the applicant+

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,  
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.  
17

18 SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility  
19 and application for registration as a professional soil classifier or soil  
20 classifier-in-training, is amended to read as follows:

21 (a) To be eligible for registration as a professional soil classifier  
22 or certification as a soil classifier-in-training, an applicant ~~must+~~

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas  
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~  
26 information ~~as~~ the board may require, together with five (5) references,  
27 three (3) of which shall be professional soil classifiers having personal  
28 knowledge of his or her soil classifying experience or, in the case of an  
29 application for certification as a soil classifier-in-training, three (3)  
30 character references.  
31

32 SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

33 17-47-311. Disciplinary actions – Grounds.

34 The Arkansas State Board of Registration for Professional Soil  
35 Classifiers shall have the power to suspend, refuse to renew, or revoke the  
36 certificate of registration of, or reprimand, any registrant who is guilty

1 of:

- 2 (1) Fraud or deceit in obtaining a certificate of registration;  
3 (2) Gross negligence, incompetence, or misconduct in the  
4 practice of soil classifying;  
5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~  
6 ~~turpitude~~; or  
7 (4) A violation of the code of ethics adopted and promulgated by  
8 the board.

9  
10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the  
11 qualifications for certification as a surveyor, is amended to read as  
12 follows:

13 (a) A person who shows to the satisfaction of the State Board of  
14 Licensure for Professional Engineers and Professional Surveyors that he or  
15 she is a person ~~of good character and reputation and~~ over twenty-one (21)  
16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if  
17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the  
19 practice of land surveying issued to him or her on the basis of a written  
20 examination by proper authority of a state, territory, possession of the  
21 United States, the District of Columbia, or any foreign country, based on  
22 requirements and qualifications as shown on his or her application that in  
23 the opinion of the board are equal to or higher than the requirements of this  
24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with  
26 sufficient surveying courses or a surveying technology curriculum of two (2)  
27 years or more approved by the board, followed by at least two (2) years of  
28 land surveying that must be surveying experience of a character satisfactory  
29 to the board, who has passed a written examination designed to show that he  
30 or she is qualified to practice land surveying in this state, may be licensed  
31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved  
33 engineering or surveying curriculum may be considered as equivalent to one  
34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)  
36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a  
2 written examination designed to show that he or she is qualified to practice  
3 land surveying may be granted a certificate of licensure to practice land  
4 surveying in this state if he or she is otherwise qualified.

5 (B) Each year of satisfactory work in an approved  
6 engineering or engineering technology curriculum majoring in surveying may be  
7 considered as one (1) year of experience in land surveying, but not exceeding  
8 two (2) years.

9  
10 SECTION 54. Arkansas Code § 17-48-203(c), concerning the  
11 qualifications for licensure as a surveyor intern, is amended to read as  
12 follows:

13 (c) ~~A person who shows to the satisfaction of the board that he or she~~  
14 ~~is a person of good character~~ shall be eligible for licensure as a surveyor  
15 intern if he or she qualifies under one (1) of the following provisions:

16 (1) A person holding a certificate of licensure as a surveyor  
17 intern issued to him or her on the basis of a written examination by proper  
18 authority of a state, territory, possession of the United States, the  
19 District of Columbia, or any foreign country, based on requirements and  
20 qualifications as shown on his or her application, which requirements and  
21 qualifications, in the opinion of the board, are equal to or higher than the  
22 requirements of this chapter, may be licensed as a surveyor intern at the  
23 discretion of the board;

24 (2) A graduate from an approved engineering curriculum with  
25 sufficient surveying courses, or a surveying technology curriculum of two (2)  
26 years or more, approved by the board, who has passed a written examination  
27 designed to show that he or she is proficient in surveying fundamentals, may  
28 be licensed if he or she is otherwise qualified; or

29 (3)(A) An applicant who cannot qualify under subdivision (c)(2)  
30 of this section and who has four (4) years or more of active experience in  
31 land surveying of a character satisfactory to the board and who has passed a  
32 written examination designed to show that he or she is proficient in  
33 surveying fundamentals may be licensed if he or she is otherwise qualified.

34 (B) Each year of satisfactory work in an approved  
35 engineering or engineering technology curriculum majoring in surveying may be  
36 considered as one (1) year of experience in land surveying, but not exceeding

1 two (2) years.

2  
3 SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the  
4 administrative violations and penalties of a surveyor, is amended to read as  
5 follows:

6 (A) A felony listed under § 17-2-102;

7  
8 SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant  
9 qualifications for registration as a certified water well driller or  
10 certified pump installer, is repealed.

11 ~~(2) Is of good moral character;~~

12  
13 SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints  
14 against and disciplinary procedures for a home inspector, is amended to read  
15 as follows:

16 ~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving~~  
17 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

18 ~~(B) A plea of nolo contendere or no contest is considered~~  
19 ~~a conviction for the purposes of this section;~~

20  
21 SECTION 58. Arkansas Code § 17-52-315(a), concerning the application  
22 for registration as a home inspector, is amended to read as follows:

23 (a) Any person applying for registration or renewal of registration as  
24 a home inspector shall ~~be of good moral character and shall~~ submit to the  
25 Arkansas Home Inspector Registration Board:

26 (1) An application under oath upon a form to be prescribed by  
27 the board;

28 (2) A current certificate of insurance issued by an insurance  
29 company licensed or surplus lines approved to do business in this state that  
30 states that the applicant has procured general liability insurance in the  
31 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,  
32 workers' compensation insurance; and

33 (3) The required registration or registration renewal fee with  
34 the application.

35  
36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the



1 application for licensure as a chiropractor, is amended to read as follows:

2 (2) The applicant must submit proof satisfactory to the board of  
3 graduation from a chartered school or college of chiropractic as herein  
4 described and file with his or her application the affidavits of at least two  
5 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~  
6 ~~of good moral character.~~

7  
8 SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the  
9 qualifications of applicants for licensure as a chiropractor, is repealed.

10 ~~(6) Be of good moral character;~~

11  
12 SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal  
13 background check required for a chiropractor, is amended to read as follows:

14 (e) Except as provided in subsection (f) of this section, a person  
15 shall not receive or hold a license issued by the board if the person has  
16 been convicted of or pleaded guilty or nolo contendere to any felony listed  
17 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,  
18 untruthfulness, or untrustworthiness, or is a registered sex offender or  
19 required to register as a sex offender.

20  
21 SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing  
22 procedure for dentists, is amended to read as follows:

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~  
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the  
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental  
30 Association-accredited college of dentistry with the degree of Doctor of  
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~  
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North  
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental

1 Medicine, or an equivalent degree approved by the board;

2 (C) Have passed an examination approved by the board and  
3 authorized under § 17-82-303;

4 (D) Be a resident of the State of Arkansas and the United  
5 States and be in compliance with federal laws of immigration; and

6 (E) Serve a period of at least one (1) year under a  
7 provisional license issued by the board to foreign graduates and successfully  
8 complete the monitoring requirements as ordered by the board at the time the  
9 provisional license is issued.

10  
11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing  
12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)(1)~~ Have graduated from a dental hygiene program which is  
16 accredited by the American Dental Association Commission on Dental  
17 Accreditation and approved by the board for the training of dental  
18 hygienists; and

19 ~~(3)(2)~~ Submit upon request ~~such~~ proof as required by the board  
20 may require touching upon ~~character and~~ fitness.

21  
22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the  
23 credentials for dentists and dental hygienists licensed in other states, is  
24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,  
26 setting forth the applicant's ~~moral reputation and character~~, history with  
27 the board, professional ability, and such other information or data as the  
28 board may deem necessary or expedient.

29  
30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation  
31 or suspension of a license for a dentist, dental hygienist, or dental  
32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual  
34 drunkenness for a period of three (3) months; insanity; adjudication of  
35 insanity or mental incompetency if deemed detrimental to patients; conviction  
36 of ~~an infamous crime or a felony~~ listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional  
2 incompetency; failure to maintain proper standards of sanitation or failure  
3 otherwise to maintain adequate safeguards for the health and safety of  
4 patients; or employment in the practice of the profession of any drug,  
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally  
6 used by the dental profession;

7  
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:  
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice  
11 dentistry or another healthcare profession issued by the Arkansas State Board  
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or  
13 has been found guilty of ~~either an infamous crime that would impact his or~~  
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~  
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~  
16 ~~pardoned~~ listed under § 17-2-102.

17  
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:  
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a  
21 license or may revoke or suspend a license issued under this chapter for any  
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;  
24 (2) Engaging in unprofessional conduct or gross incompetence as  
25 defined by the rules of the board or violating the standards of professional  
26 responsibility adopted and published by the board; or  
27 (3) ~~Conviction in this or any other state of any crime that is a~~  
28 ~~felony in this state~~ of a felony listed under § 17-2-102; or  
29 ~~(4) Conviction of a felony in a federal court.~~

30  
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the  
32 qualifications for licensure and internship for hearing instrument  
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:  
35 (A) Is twenty (20) years of age or older; and  
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college  
2 or university; ~~and~~

3 ~~(C) Is of good moral character.~~

4  
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the  
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument  
7 dispenser license, is amended to read as follows:

8 (1) Being convicted of a crime ~~involving moral turpitude. A~~  
9 ~~record of a conviction, certified by the judge or the clerk of the court~~  
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~  
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;  
12

13 SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers  
14 and duties of the State Board of Health regarding massage therapy licenses,  
15 are amended to read as follows:

16 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~  
17 ~~receive or hold a license issued by the Department of Health if the applicant~~  
18 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~  
19 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~  
20 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~  
21 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~  
22 the board shall follow the licensing restrictions based on criminal records  
23 under § 17-2-102.

24 ~~(2) A provision of this section may be waived by the Department~~  
25 ~~of Health if:~~

26 ~~(A) The conviction is for a Class A misdemeanor and:~~

27 ~~(i) The completion of the applicant's sentence and~~  
28 ~~probation or completion of the applicant's sentence or probation of the~~  
29 ~~offense is at least three (3) years from the date of the application; and~~

30 ~~(ii) The applicant has no criminal convictions~~  
31 ~~during the three year period; or~~

32 ~~(B) The conviction is for a felony of any classification~~  
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~  
35 ~~probation or the completion of the applicant's sentence or probation of the~~  
36 ~~offense is at least five (5) years from the date of the application; and~~

1                               ~~(ii) The applicant has no criminal convictions~~  
2 ~~during the five year period.~~

3               ~~(f) The Department of Health may permit an applicant to be licensed~~  
4 ~~regardless of having been convicted of an offense listed in this section,~~  
5 ~~upon making a determination that the applicant does not pose a risk of harm~~  
6 ~~to any person served by the Department of Health.~~

7               ~~(g) In making a determination under subsection (f) of this section,~~  
8 ~~the Department of Health may consider the following factors:~~

9                               ~~(1) The nature and severity of the crime;~~  
10                              ~~(2) The consequences of the crime;~~  
11                              ~~(3) The number and frequency of crimes;~~  
12                              ~~(4) The relationship between the crime and the health, safety,~~  
13 ~~and welfare of persons served by the Department of Health, such as:~~

14                                       ~~(A) The age and vulnerability of victims of the crime;~~

15                                       ~~(B) The harm suffered by the victim; and~~

16                                       ~~(C) The similarity between the victim and persons served~~  
17 ~~by the Department of Health;~~

18                              ~~(5) The time elapsed without a repeat of the same or similar~~  
19 ~~event;~~

20                              ~~(6) Documentation of successful completion of training or~~  
21 ~~rehabilitation pertinent to the incident; and~~

22                              ~~(7) Any other information that bears on the applicant's ability~~  
23 ~~to care for others or other relevant information.~~

24               ~~(h) If the Department of Health waives the provisions of subsection~~  
25 ~~(e) of this section, the Department of Health shall submit the reasons for~~  
26 ~~waiving this provision in writing, and the determination and reasons shall be~~  
27 ~~made available to the members of the Department of Health for review.~~

28  
29               SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications  
30 for licensure as a massage therapist, is amended to read as follows:

31                              (1) Furnish to the Department of Health satisfactory proof that  
32 he or she is eighteen (18) years of age or older ~~and of good moral character;~~

33  
34               SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary  
35 actions and penalties for massage therapists, is amended to read as follows:

36                              (a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the  
2 following grounds:

3 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~  
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A  
5 felony listed under § 17-2-102;

6 (2) Malpractice or gross incompetency;

7 (3) The use in advertisements of untruthful or improbable  
8 statements or flamboyant, exaggerated, or extravagant claims concerning the  
9 licensee's professional excellence or abilities;

10 (4) Habitual drunkenness or habitual use of any illegal drugs;

11 (5) Serving alcoholic beverages at the clinic or school in a  
12 room where massage therapy is being performed or in a massage therapy school;

13 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional  
14 conduct;

15 (7) Failure to comply with the Department of Health's Massage  
16 Therapy Code of Ethics or any valid regulation or order of the committee;

17 (8) Invasion of the field of practice of any profession for  
18 which a license is required, the diagnosis of ailments, diseases, or injuries  
19 of human beings, the performance of osseous adjustments, prescription of  
20 medications, or other breaches of the scope of practice of massage therapy;

21 (9) Failure of any licensee to comply with this chapter; or

22 (10) Failure to have licensed personnel to perform massage  
23 therapy techniques in his or her clinic or school.

24  
25 SECTION 73. Arkansas Code § 17-87-301(a), concerning the  
26 qualifications for an applicant for licensure as a registered nurse, is  
27 amended to read as follows:

28 (a) Qualifications. Before taking the examination or before the  
29 issuance of a license by endorsement, an applicant for a license to practice  
30 professional nursing shall submit to the Arkansas State Board of Nursing  
31 written evidence, verified by oath, that the applicant:

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~ (1) Has completed an approved high school course of study or  
34 the equivalent thereof as determined by the appropriate educational agency;  
35 and

36 ~~(3)~~ (2) Has completed the required approved professional nursing

1 education program.

2  
3 SECTION 74. Arkansas Code § 17-87-304(a), concerning the  
4 qualifications of an applicant for licensure as a licensed practical nurse,  
5 is amended to read as follows:

6 (a) Qualifications. An applicant for a license to practice practical  
7 nursing shall submit to the Arkansas State Board of Nursing evidence,  
8 verified by oath, that the applicant:

9 ~~(1) Is of good moral character;~~

10 ~~(2)~~(1) Has completed an approved high school course of study or  
11 the equivalent thereof as determined by the appropriate educational agency;  
12 and

13 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved  
14 program for the preparation of practical nurses and holds a diploma or  
15 certificate therefrom. However, the board may waive this requirement if the  
16 board determines the applicant to be otherwise qualified.

17  
18 SECTION 75. Arkansas Code § 17-87-305(a), concerning the  
19 qualifications of an applicant for licensure as a licensed psychiatric  
20 technician nurse, is amended to read as follows:

21 (a) Qualifications. An applicant for a license to practice  
22 psychiatric technician nursing shall submit to the Arkansas State Board of  
23 Nursing evidence, verified by oath, that the applicant:

24 ~~(1) Is of good moral character;~~

25 ~~(2)~~(1) Has completed an approved high school course of study or  
26 the equivalent thereof as determined by the appropriate educational agency;  
27 and

28 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved  
29 program for the preparation of psychiatric technician nurses and holds a  
30 diploma or certificate therefrom. However, the board may waive this  
31 requirement if the board determines the applicant to be otherwise qualified.

32  
33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal  
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the  
36 Identification Bureau of the Department of Arkansas State Police shall



1 forward to the board all releasable information obtained concerning the  
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~  
3 ~~section.~~

4 (e) For purposes of this section, the board shall follow the licensing  
5 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~  
6 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~  
7 ~~receive or hold a license issued by the board if that person has pleaded~~  
8 ~~guilty or nolo contendere to or has been found guilty of any of the following~~  
9 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~  
10 ~~court in another state or of any similar offense by a federal court:~~

11 (1) ~~Capital murder as prohibited in § 5-10-101;~~

12 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~  
13 ~~murder in the second degree as prohibited in § 5-10-103;~~

14 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

15 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

16 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

17 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~  
18 ~~11-103;~~

19 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~  
20 ~~106;~~

21 (8) ~~Robbery as prohibited in § 5-12-102;~~

22 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

23 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

24 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

25 (12) ~~Introduction of a controlled substance into the body of~~  
26 ~~another person as prohibited in § 5-13-210;~~

27 (13) ~~Aggravated assault upon a law enforcement officer or an~~  
28 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

29 (14) ~~Terroristic threatening in the first degree as prohibited~~  
30 ~~in § 5-13-301;~~

31 (15) ~~Rape as prohibited in § 5-14-103;~~

32 (16) ~~Sexual indecency with a child as prohibited in § 5-14-110;~~

33 (17) ~~Sexual extortion, § 5-14-113;~~

34 (18) ~~Sexual assault in the first degree, second degree, third~~  
35 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

36 (19) ~~Incest as prohibited in § 5-26-202;~~

1           ~~(20) Felony offenses against the family as prohibited in §§ 5-~~  
2 ~~26-303—5-26-306;~~

3           ~~(21) Endangering the welfare of an incompetent person in the~~  
4 ~~first degree as prohibited in § 5-27-201;~~

5           ~~(22) Endangering the welfare of a minor in the first degree as~~  
6 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~  
7 ~~degree as prohibited in § 5-27-206;~~

8           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

9           ~~(24) Engaging children in sexually explicit conduct for use in~~  
10 ~~visual or print media, transportation of minors for prohibited sexual~~  
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~  
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
15 ~~5-27-403;~~

16           ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

17           ~~(26) Computer exploitation of a child in the first degree as~~  
18 ~~prohibited in § 5-27-605;~~

19           ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

20           ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21           ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

22           ~~(30) Arson as prohibited in § 5-38-301;~~

23           ~~(31) Burglary as prohibited in § 5-39-201;~~

24           ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
26 ~~5-64-442;~~

27           ~~(33) Promotion of prostitution in the first degree as prohibited~~  
28 ~~in § 5-70-104;~~

29           ~~(34) Stalking as prohibited in § 5-71-229; and~~

30           ~~(35) Criminal attempt, criminal complicity, criminal~~  
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33           (f)(1)(A) The board may issue a nonrenewable temporary permit for  
34 licensure to a first-time applicant pending the results of the criminal  
35 background check.

36           ~~(B)~~(2) The permit shall be valid for no more than six (6)

1 months.

2 ~~(2) Except as provided in subdivision (1)(1) of this section,~~  
3 ~~upon receipt of information from the Identification Bureau of the Department~~  
4 ~~of Arkansas State Police that the person holding the letter of provisional~~  
5 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~  
6 ~~of, any offense listed in subsection (e) of this section, the board shall~~  
7 ~~immediately revoke the provisional license.~~

8 ~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this~~  
9 ~~section may be waived by the board upon the request of:~~

10 ~~(A) An affected applicant for licensure; or~~

11 ~~(B) The person holding a license subject to revocation.~~

12 ~~(2) Circumstances for which a waiver may be granted shall~~  
13 ~~include, but not be limited to, the following:~~

14 ~~(A) The age at which the crime was committed;~~

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

20 ~~(G) Other evidence demonstrating that the applicant does~~  
21 ~~not pose a threat to the health or safety of the public.~~

22 ~~(h)(1)(g)(1)~~ Any information received by the board from the  
23 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~  
24 under this section shall not be available for examination except by:

25 (A) The affected applicant for licensure or his or her  
26 authorized representative; or

27 (B) The person whose license is subject to revocation or  
28 his or her authorized representative.

29 (2) No record, file, or document shall be removed from the  
30 custody of the Department of Arkansas State Police.

31 ~~(i)(h)~~ Any information made available to the affected applicant for  
32 licensure or the person whose license is subject to revocation shall be  
33 information pertaining to that person only.

34 ~~(j)(i)~~ Rights of privilege and confidentiality established in this  
35 section shall not extend to any document created for purposes other than this  
36 background check.

1       ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to  
2 fully implement the provisions of this section.

3       ~~(1)(1)~~ ~~For purposes of this section, an expunged record of a~~  
4 ~~conviction or a plea of guilty or nolo contendere to an offense listed in~~  
5 ~~subsection (e) of this section shall not be considered a conviction, guilty~~  
6 ~~plea, or nolo contendere plea to the offense unless the offense is also~~  
7 ~~listed in subdivision (1)(2) of this section.~~

8       ~~(2)~~ ~~Because of the serious nature of the offenses and the close~~  
9 ~~relationship to the type of work that is to be performed, the following shall~~  
10 ~~result in permanent disqualification:~~

- 11               ~~(A)~~ ~~Capital murder as prohibited in § 5-10-101;~~  
12               ~~(B)~~ ~~Murder in the first degree as prohibited in § 5-10-102~~  
13 ~~and murder in the second degree as prohibited in § 5-10-103;~~  
14               ~~(C)~~ ~~Kidnapping as prohibited in § 5-11-102;~~  
15               ~~(D)~~ ~~Aggravated assault upon a law enforcement officer or~~  
16 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~  
17               ~~(E)~~ ~~Rape as prohibited in § 5-14-103;~~  
18               ~~(F)~~ ~~Sexual extortion, § 5-14-113;~~  
19               ~~(G)~~ ~~Sexual assault in the first degree as prohibited in §~~  
20 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~  
21               ~~(H)~~ ~~Incest as prohibited in § 5-26-202;~~  
22               ~~(I)~~ ~~Endangering the welfare of an incompetent person in~~  
23 ~~the first degree as prohibited in § 5-27-201;~~  
24               ~~(J)~~ ~~Endangering the welfare of a minor in the first degree~~  
25 ~~as prohibited in § 5-27-205;~~  
26               ~~(K)~~ ~~Adult abuse that constitutes a felony as prohibited in~~  
27 ~~§ 5-28-103; and~~  
28               ~~(L)~~ ~~Arson as prohibited in § 5-38-301.~~

29  
30       SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary  
31 actions for nurses, is amended to read as follows:

32               (1) Has been found guilty of or pleads guilty or nolo contendere  
33 to:

34                       (A) Fraud or deceit in procuring or attempting to procure  
35 a medication assistive person certificate; or

36                       (B) Providing services as a medication assistive person

1 without a valid certificate; ~~or~~

2 ~~(C) Committing a crime of moral turpitude;~~

3  
4 SECTION 78. Arkansas Code § 17-88-302(2), concerning the  
5 qualifications of an applicant for licensure as an occupational therapist, is  
6 repealed.

7 ~~(2) The applicant must be of good moral character;~~

8  
9 SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial,  
10 revocation, or suspension of an occupational therapist license, is amended to  
11 read as follows:

12 (4) Being convicted of a ~~crime, other than minor offenses~~  
13 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~  
14 ~~the acts for which the applicant or licensee was convicted are found by the~~  
15 ~~board to have a direct bearing on whether he or she should be entrusted to~~  
16 ~~serve the public in the capacity of an occupational therapist or occupational~~  
17 ~~therapy assistant~~ felony listed under § 17-2-102; and

18  
19 SECTION 80. Arkansas Code § 17-89-302(a), concerning the  
20 qualifications of an applicant for licensure as a licensed dispensing  
21 optician, is amended to read as follows:

22 (a) Every applicant for examination as a licensed dispensing optician  
23 shall present satisfactory evidence to the Arkansas Board of Dispensing  
24 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~  
25 ~~character,~~ a high school graduate or the equivalent thereof, and either:

26 (1) Is a graduate of a school of opticianry whose curriculum  
27 consists of at least eighteen (18) months of didactic and practical  
28 instruction which is accredited by a national accreditation organization and  
29 approved by the board; or

30 (2)(A) Has been engaged in the providing of ophthalmic  
31 dispensing services, as defined in this chapter, in the State of Arkansas for  
32 a period of not less than five (5) years immediately before application.

33 (B) No more than three (3) years may consist of:

34 (i) Working in a qualified service optical  
35 laboratory approved by the board; or

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing  
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in  
3 diseases of the eye.

4  
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

7 Every applicant for examination as a registered dispensing optician  
8 shall present satisfactory evidence to the Arkansas Board of Dispensing  
9 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~  
10 ~~character~~, a high school graduate or the equivalent thereof, and either:

11 (1) Has a minimum of three (3) years' dispensing experience in  
12 Arkansas under the direct supervision of an Arkansas-licensed optometrist or  
13 Arkansas-licensed physician skilled in disease of the eye;

14 (2) Has a minimum of three (3) years' experience under the  
15 direct supervision of a licensed or registered dispensing optician holding a  
16 certificate of licensure or registry in the State of Arkansas, one (1) year  
17 of which may be while working in a qualified full-service optical laboratory  
18 approved by the board; or

19 (3) Is a graduate of an approved school of opticianry which has  
20 been accredited by a national accreditation organization and is recognized by  
21 the board.

22  
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for  
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical  
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the  
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon  
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~ (2) Has provided ophthalmic dispensing services to the public  
32 as a dispensing optician in the state of licensure or registration for a  
33 period of at least five (5) years for licensure or three (3) years for  
34 registration immediately before his or her application for reciprocity to  
35 this state; and

36 ~~(4)~~ (3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or  
2 registry issued by this state.

3  
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic  
5 dispensers from nonlicensing states seeking licensure as a dispensing  
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

8 (1) Be qualified under the provisions of this chapter;

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~ (2) Have been engaged in ophthalmic dispensing as described  
11 in § 17-89-102(4) for a period of:

12 (A) Five ~~(5)~~ years for applicants for licensure, of which  
13 no more than three ~~(3)~~ years may be while working in a qualified full-service  
14 optical laboratory approved by the board; or

15 (B) Three ~~(3)~~ years for applicants for registry, of which  
16 no more than one ~~(1)~~ year may be while working in a qualified full-service  
17 laboratory approved by the board immediately before the date of application;

18 ~~(4)~~ (3) Successfully complete the written and practical  
19 examination for licensure or registry prepared and conducted by the board;  
20 and

21 ~~(5)~~ (4) Have paid the fee prescribed in § 17-89-304(f) to the  
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23  
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of  
25 denial, suspension, or revocation of a licensure or registration of an  
26 ophthalmic dispensers, is amended to read as follows:

27 (3) The applicant, licensee, or registrant being convicted of a  
28 felony listed under § 17-2-102 in any state or federal court, and not  
29 ~~pardoned, if the acts for which the person is convicted are found by the~~  
30 ~~board to have a direct bearing on whether he or she should be entrusted to~~  
31 ~~serve the public in the capacity of a dispensing optician;~~

32  
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for  
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory  
36 evidence that he or she is:



1           (1) ~~Over~~ At least twenty-one (21) years of age;  
2           (2) A successful candidate having passed all parts of the  
3 National Board of Examiners in Optometry examination since January 1, 1997;  
4 and

5           ~~(3) Of good moral character; and~~  
6           ~~(4)~~(3) A graduate of a college of optometry that has been  
7 accredited by the Accreditation Council on Optometric Education of the  
8 American Optometric Association.

9  
10          SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by  
11 endorsement for optometrists, is amended to read as follows:

12           (3) A certificate of good standing from each authority which  
13 issued the license, setting forth the applicant's ~~moral reputation and~~  
14 ~~character~~, history with the authority, professional ability, continuing  
15 education compliance, and other information or data as the State Board of  
16 Optometry may deem necessary or expedient;

17  
18          SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds  
19 for denial, revocation, or suspension of an optometrist license, is amended  
20 to read as follows:

21           (3) Conviction of a felony listed under § 17-2-102 or the  
22 conviction of a misdemeanor, if the misdemeanor conduct would denote an  
23 impairment in the ability to practice optometry;

24  
25          SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing  
26 requirements for an osteopathic physician, is amended to read as follows:

27           (a) The Arkansas State Medical Board shall accept for licensure by  
28 examination any person who:

29           (1) Is at least twenty-one (21) years of age;  
30           (2) Is a citizen of the United States;  
31           ~~(3) Is of good moral character;~~  
32           ~~(4)~~(3) Has not been guilty of acts constituting unprofessional  
33 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et  
34 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

35           ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose  
36 course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and

2 ~~(6)~~(5) Has completed a one-year internship in a hospital  
3 approved by the American Medical Association or the American Osteopathic  
4 Association.

5  
6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of  
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

10 ~~(2) Shall be of good moral character and temperate habits; and~~

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional  
13 undergraduate degree from a pharmacy degree program which has been approved  
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,  
16 completed a transcript verification program, taken and passed a college of  
17 pharmacy equivalency exam program, and completed a process of communication  
18 ability testing as defined under board regulations so that it is assured that  
19 the applicant meets standards necessary to protect public health and safety.

20  
21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for  
22 revocation, suspension, or nonrenewal of licensure or registration, is amended  
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo  
25 contendere in a criminal proceeding, regardless of whether or not the  
26 adjudication of guilt or sentence is withheld by a court of this state,  
27 another state, or the United States Government for:

28 (A) Any felony listed under § 17-2-102;

29 (B) Any act involving ~~moral turpitude~~, gross immorality,  
30 or which is related to the qualifications, functions, and duties of a  
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of  
33 this state, or of the pharmacy or drug statutes, rules, and regulations of  
34 any other state or of the United States Government;

35  
36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a  
2 pharmacy technician registration, is amended to read as follows:

3 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~  
4 person is not eligible to receive or hold an intern or pharmacist license or  
5 pharmacy technician registration issued by the board if that person has  
6 pleaded guilty or nolo contendere to, or has been found guilty of, any of the  
7 following offenses, regardless of whether an adjudication of guilt or  
8 sentencing or imposition of sentence is withheld, by any court in the State  
9 of Arkansas or of any similar offense by a court in another state or of any  
10 similar offense by a federal court:

11 (1) Any felony listed under § 17-2-102;

12 (2) Any act involving ~~moral turpitude~~, gross immorality,  
13 dishonesty, or which is related to the qualifications, functions, and duties  
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or  
16 regulations, including, but not limited to, this chapter, the Uniform  
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and  
18 Cosmetic Act, § 20-56-201 et seq.

19  
20 SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of  
21 applicants for licensure as a physical therapist, is amended to read as  
22 follows:

23 (b) Each physical therapist applicant shall:

24 (1) Be at least twenty-one (21) years of age;

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy  
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the  
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31  
32 SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of  
33 applicants for licensure as a physical therapist assistant, is amended to  
34 read as follows:

35 (b) Each physical therapist assistant applicant shall:

36 (1) Be at least eighteen (18) years of age;

~~(2) Be of good moral character;~~

~~(3)~~(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

~~(4)~~(3) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

~~(5)~~(4) Submit fees as determined by the Arkansas State Board of Physical Therapy.

SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the revocation, suspension, or denial of licensure for physical therapists, is repealed.

~~(4) Has been convicted of a crime involving moral turpitude;~~

SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the revocation, suspension, or denial of a license for an athletic trainer, is amended to read as follows:

(1) Been convicted of a felony ~~or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-102;

SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's duty to report physician misconduct, is amended to read as follows:

(2) The hospital shall also report any other formal disciplinary action concerning any such physician taken by the hospital upon recommendation of the medical staff relating to professional ethics, medical incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:  
17-95-307. License eligibility.

~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~  
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~  
3 ~~expunged, or pardoned.~~

4  
5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification  
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of  
8 acts constituting unprofessional conduct as defined in § 17-95-409;

9  
10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual  
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall  
13 consider the ~~moral character and~~ professional qualifications of the applicant  
14 upon notice and hearing before ordering reinstatement. Unless such a showing  
15 shall thereupon be made to the board as would entitle the applicant to the  
16 issuance of an original license, reinstatement shall be denied.

17  
18 SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the  
19 grounds for denial, suspension, or revocation of a physician license, is  
20 amended to read as follows:

21 (A)(i) Conviction of ~~any crime involving moral turpitude~~  
22 ~~or conviction of~~ a felony listed under § 17-2-102.

23 (ii) The judgment of any such conviction, unless  
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

25  
26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning  
27 qualifications of an applicant for licensure as a graduate registered  
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~

30  
31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:  
32 17-95-910. Violation.

33 Following the exercise of due process, the Arkansas State Medical Board  
34 may discipline a graduate registered physician who:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a  
36 license;

- 1 (2) Fraudulently or deceptively uses a license;  
2 (3) Violates any provision of this subchapter or any rules  
3 adopted by the board pertaining to this chapter;  
4 (4) Is convicted of a felony listed under § 17-2-102;  
5 (5) Is a habitual user of intoxicants or drugs to the extent  
6 that he or she is unable to safely perform as a graduate registered  
7 physician; or  
8 (6) Has been adjudicated as mentally incompetent or has a mental  
9 condition that renders him or her unable to safely perform as a graduate  
10 registered physician; ~~or~~  
11 ~~(7) Has committed an act of moral turpitude.~~  
12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications  
14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any  
16 examination for such registration unless that person shall furnish the  
17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and  
19 ~~(2) Is of good moral character; and~~  
20 ~~(3)~~ (2) Has received a license or certificate of graduation from  
21 a legally incorporated, regularly established school of podiatric medicine  
22 recognized by the Council on Podiatric Medical Education of the American  
23 Podiatric Medical Association within the states, territories, districts, and  
24 provinces of the United States or within any foreign country.  
25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the  
27 definition of "unprofessional and dishonest conduct" regarding podiatric  
28 medicine licensure, is repealed.

29 ~~(C) Being guilty of an offense involving moral turpitude;~~  
30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the  
32 membership of the Arkansas Psychology Board, is amended to read as follows:

33 (B) The Governor shall remove any member from the board if  
34 he or she:

- 35 (i) Ceases to be qualified;  
36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

2 (iii) Is found to be in violation of this chapter;

3 (iv) Pleads guilty or nolo contendere to or is found  
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under  
5 § 17-2-102 by a court of competent jurisdiction; or

6 (v) Pleads guilty or nolo contendere to or is found  
7 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her  
8 board duties by a court of competent jurisdiction.

9  
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning  
11 qualifications of an applicant for licensure as a psychologist, is amended to  
12 read as follows:

13 (b)(1) A candidate for a license shall furnish the board with  
14 satisfactory evidence that he or she:

15 ~~(A) Is of good moral character;~~

16 ~~(B)~~(A) Has received a doctoral degree in psychology from  
17 an accredited institution recognized by the board as maintaining satisfactory  
18 standards at the time the degree was granted or, in lieu of a degree, a  
19 doctoral degree in a closely allied field if it is the opinion of the board  
20 that the training required therefor is substantially similar;

21 ~~(C)~~(B) Has had at least two (2) years of experience in  
22 psychology of a type considered by the board to be qualifying in nature with  
23 at least one (1) of those years being postdoctoral work;

24 ~~(D)~~(C) Is competent in psychology, as shown by passing  
25 examinations, written or oral, or both, as the board deems necessary;

26 ~~(E)~~(D) Is not considered by the board to be engaged in  
27 unethical practice;

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

31 ~~(G)~~(F) Has not failed an examination given by the board  
32 within the preceding six (6) months.

33  
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning  
35 qualifications of an applicant for licensure as a psychological examiner, is  
36 amended to read as follows:



1 (b)(1) A candidate for a license shall furnish the board with  
2 satisfactory evidence that he or she:

3 ~~(A) Is of good moral character;~~

4 ~~(B)(A)~~ Has a master's degree in psychology or a closely  
5 related field from an accredited educational institution recognized by the  
6 board as maintaining satisfactory standards;

7 ~~(C)(B)~~ Is competent as a psychological examiner as shown  
8 by passing examinations, written or oral, or both, as the board deems  
9 necessary;

10 ~~(D)(C)~~ Is not considered by the board to be engaged in  
11 unethical practice;

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

15 ~~(F)(E)~~ Has not failed an examination given by the board  
16 within the preceding six (6) months.

17  
18 SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the  
19 qualifications for examination for a provisional license as a psychologist,  
20 is repealed.

21 ~~(C) Has good moral character;~~

22  
23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the  
24 qualifications for a provisional license for psychologists and psychological  
25 examiners, is amended to read as follows:

26 (F) Has not been convicted of ~~a crime involving moral turpitude~~  
27 ~~or~~ a felony listed under § 17-2-102;

28  
29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual  
30 registration for licensure as a psychologist, is amended to read as follows:

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

34  
35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal  
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

2 (d) Upon completion of the criminal background check, the  
3 Identification Bureau of the Department of Arkansas State Police shall  
4 forward to the board all releasable information obtained concerning the  
5 applicant ~~in the commission of any offense listed in subsection (f) of this~~  
6 ~~section.~~

7 (e) At the conclusion of any background check required by this  
8 section, the Identification Bureau of the Department of Arkansas State Police  
9 shall promptly destroy the fingerprint card of the applicant.

10 (f) For purposes of this section, the board shall follow the licensing  
11 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~  
12 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~  
13 ~~or hold a license issued by the board if that person has pleaded guilty or~~  
14 ~~nolo contendere to or been found guilty of any of the following offenses by~~  
15 ~~any court in the State of Arkansas or of any similar offense by a court in~~  
16 ~~another state or of any similar offense by a federal court:~~

17 (1) ~~Capital murder as prohibited in § 5-10-101;~~

18 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~  
19 ~~murder in the second degree as prohibited in § 5-10-103;~~

20 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

21 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

22 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~  
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~  
26 ~~106;~~

27 (8) ~~Robbery as prohibited in § 5-12-102;~~

28 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

29 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

30 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

31 (12) ~~Introduction of a controlled substance into the body of~~  
32 ~~another person as prohibited in § 5-13-210;~~

33 (13) ~~Aggravated assault upon a law enforcement officer or an~~  
34 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

35 (14) ~~Terroristic threatening in the first degree as prohibited~~  
36 ~~in § 5-13-301;~~

1           ~~(15) Rape as prohibited in § 5-14-103;~~  
2           ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~  
3           ~~(17) Sexual extortion, § 5-14-113;~~  
4           ~~(18) Sexual assault in the first degree, second degree, third~~  
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~  
6           ~~(19) Incest as prohibited in § 5-26-202;~~  
7           ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
8 ~~5-26-306;~~  
9           ~~(21) Endangering the welfare of an incompetent person in the~~  
10 ~~first degree as prohibited in § 5-27-201;~~  
11           ~~(22) Endangering the welfare of a minor in the first degree as~~  
12 ~~prohibited in § 5-27-205;~~  
13           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~  
14           ~~(24) Engaging children in sexually explicit conduct for use in~~  
15 ~~visual or print media, transportation of minors for prohibited sexual~~  
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~  
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
19 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
20 ~~5-27-403;~~  
21           ~~(25) Computer child pornography as prohibited in § 5-27-603;~~  
22           ~~(26) Computer exploitation of a child in the first degree as~~  
23 ~~prohibited in § 5-27-605;~~  
24           ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~  
25           ~~(28) Theft of property as prohibited in § 5-36-103;~~  
26           ~~(29) Theft by receiving as prohibited in § 5-36-106;~~  
27           ~~(30) Arson as prohibited in § 5-38-301;~~  
28           ~~(31) Burglary as prohibited in § 5-39-201;~~  
29           ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
31 ~~5-64-442;~~  
32           ~~(33) Promotion of prostitution in the first degree as prohibited~~  
33 ~~in § 5-70-104;~~  
34           ~~(34) Stalking as prohibited in § 5-71-229; and~~  
35           ~~(35) Criminal attempt, criminal complicity, criminal~~  
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.~~

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(i)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this

1 section shall not extend to any document created for purposes other than this  
2 background check.

3 ~~(1)(k)~~ The board shall adopt the necessary rules and regulations to  
4 fully implement the provisions of this section.

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a  
6 conviction or plea of guilty of or nolo contendere to an offense listed in  
7 subsection (f) of this section shall not be considered a conviction, guilty  
8 plea, or nolo contendere plea to the offense unless the offense is also  
9 listed in subdivision (m)(2) of this section.

10 ~~(2)~~ Because of the serious nature of the offenses and the close  
11 relationship to the type of work that is to be performed, the following shall  
12 result in permanent disqualification:

13 ~~(A)~~ Capital murder as prohibited in § 5-10-101;

14 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102  
15 and murder in the second degree as prohibited in § 5-10-103;

16 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;

17 ~~(D)~~ Aggravated assault upon a law enforcement officer or  
18 an employee of a correctional facility, § 5-13-211, if a Class Y felony;

19 ~~(E)~~ Rape as prohibited in § 5-14-103;

20 ~~(F)~~ Sexual extortion, § 5-14-113;

21 ~~(G)~~ Sexual assault in the first degree as prohibited in §  
22 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;

23 ~~(H)~~ Incest as prohibited in § 5-26-202;

24 ~~(I)~~ Endangering the welfare of an incompetent person in  
25 the first degree as prohibited in § 5-27-201;

26 ~~(J)~~ Endangering the welfare of a minor in the first degree  
27 as prohibited in § 5-27-205 and endangering the welfare of a minor in the  
28 second degree as prohibited in § 5-27-206;

29 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in  
30 § 5-28-103; and

31 ~~(L)~~ Arson as prohibited in § 5-38-301.

32  
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to  
34 examination for licensure as a disease intervention specialist, is amended to  
35 read as follows:

36 (a) The State Board of Disease Intervention Specialists shall admit to

1 examination any person who makes application to the Secretary of the State  
2 Board of Disease Intervention Specialists on forms prescribed and furnished  
3 by the board, pays an application fee set by the board to defray the expense  
4 of examination, and submits satisfactory proof to the board that he or she:

- 5 ~~(1) Is a person of good moral character;~~  
6 ~~(2)~~(1) Meets the minimum educational requirements;  
7 ~~(3)~~(2) Meets the minimum specialized training requirements, as  
8 determined by the board;  
9 ~~(4)~~(3) Has had two (2) years of field experience in human  
10 immunodeficiency virus/sexually transmitted disease intervention; and  
11 ~~(5)~~(4) Is actively engaged in the field of human  
12 immunodeficiency virus/sexually transmitted disease intervention at the time  
13 he or she makes application.  
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:  
16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a  
18 certificate of registration without examination to any person who makes  
19 application on forms prescribed and furnished by the board, pays a  
20 registration fee set by the board, and submits satisfactory proof that he or  
21 she:

- 22 ~~(1) Is of good moral character;~~  
23 ~~(2)~~(1) Has had at least two (2) years' experience in the field  
24 of human immunodeficiency virus/sexually transmitted disease intervention;  
25 and  
26 ~~(3)~~(2) Is registered as a disease intervention specialist in a  
27 state in which the qualifications for registration are not lower than the  
28 qualifications for registration in this state at the time he or she applies  
29 for registration.  
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to  
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose  
35 certificate has expired or has been suspended or revoked may make application  
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has  
2 complied with the continuing education requirements.

3 (b) The board shall consider the ~~moral character and~~ professional  
4 qualifications of the applicant as in the case of an original application.

5  
6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew  
8 or may suspend or revoke a certificate upon proof that the applicant+

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,  
11 incompetency, or misconduct relative to his or her duties as a disease  
12 intervention specialist.

13  
14 SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications  
15 of an applicant for licensure as a respiratory care practitioner, is amended  
16 to read as follows:

17 (b) Each applicant ~~must~~ shall:

18 (1) Be at least eighteen (18) years of age;

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~ (2) Have been awarded a high school diploma or its  
21 equivalent;

22 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory  
23 care program which has been approved by the Arkansas State Respiratory Care  
24 Examining Committee, to include adequate instruction in basic medical  
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State  
27 Medical Board and the committee, unless exempted by other provisions of this  
28 chapter.

29  
30 SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for  
31 denial, suspension, or revocation of a respiratory care practitioner license,  
32 is repealed.

33 ~~(3) Has been convicted of any crime involving moral turpitude;~~

34  
35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications  
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

2 (b) To be eligible for licensure by the board as a speech-language  
3 pathologist or audiologist, a person shall:

4 ~~(1) Be of good moral character;~~

5 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-  
6 language pathology or a master's degree in audiology obtained on or before  
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from  
8 an educational institution recognized by the board;

9 ~~(3)(2)~~ Submit evidence of the completion of the educational,  
10 clinical experience, and employment requirements, which shall be based on  
11 appropriate national standards and prescribed by the rules adopted under this  
12 chapter; and

13 ~~(4)(3)~~ Pass an examination approved by the board before the  
14 board approves a license.

15  
16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications  
17 of an applicant for provisional licensure as a speech-language pathologist or  
18 audiologist, is amended to read as follows:

19 (d) To be eligible for provisional licensure by the board as a speech-  
20 language pathologist or audiologist, a person shall:

21 ~~(1) Be of good moral character;~~

22 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-  
23 language pathology or audiology, as the case may be, from an educational  
24 institution recognized by the board;

25 ~~(3)(2)~~ Be in the process of completing the postgraduate  
26 professional experience requirement; and

27 ~~(4)(3)~~ Pass an examination approved by the board.

28  
29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds  
30 for denial, suspension, or revocation of a license, or other disciplinary  
31 action for speech-language pathologists and audiologists, is amended to read  
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 in  
34 ~~any court of the United States if the acts for which the licensee or~~  
35 ~~applicant is convicted are found by the board to have a direct bearing on~~  
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~



1 ~~a speech language pathologist or audiologist.~~

2 ~~(B) A plea or verdict of guilty made to a charge of a~~  
3 ~~felony or of any offense involving moral turpitude is a conviction within the~~  
4 ~~meaning of this section.~~

5 ~~(C)~~(B) At the direction of the board, and after due notice  
6 and an administrative hearing in accordance with the provisions of applicable  
7 Arkansas laws, the license of the person so convicted shall be suspended or  
8 revoked or the board shall decline to issue a license when:

9 (i) The time for appeal has elapsed;

10 (ii) The judgment of conviction has been affirmed on  
11 appeal; or

12 (iii) An order granting probation has been made  
13 suspending the imposition of sentence, without regard to a subsequent order  
14 under the provisions of state law allowing the withdrawal of a guilty plea  
15 and the substitution of a not guilty plea, or the setting aside of a guilty  
16 verdict, or the dismissal of the acquisition, information, or indictment;

17  
18 SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the  
19 grounds for denial, suspension, or revocation of a veterinarian license, is  
20 amended to read as follows:

21 (4)(A) Conviction of a felony ~~or other crime involving moral~~  
22 ~~turpitude~~ listed under § 17-2-102.

23  
24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning  
25 qualifications of an applicant for provisional licensure as an acupuncturist,  
26 is amended to read as follows:

27 (3) Before any applicant shall be eligible for an examination,  
28 the applicant shall furnish satisfactory proof to the board that he or she:

29 ~~(A) Is of good moral character by filing with his or her~~  
30 ~~application the affidavits of at least two (2) reputable acupuncturists who~~  
31 ~~attest to his or her character;~~

32 ~~(B)~~(A) Has successfully completed not fewer than sixty  
33 (60) semester credit hours of college education, to include a minimum of  
34 thirty (30) semester credit hours in the field of science; and

35 ~~(C)~~(B) Has completed a program in acupuncture and related  
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in  
2 the program shall be for a period of no fewer than four (4) academic years  
3 and shall include a minimum of eight hundred (800) hours of supervised  
4 clinical practice.

5  
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning  
7 qualifications of an applicant for provisional licensure as an acupuncturist,  
8 is amended to read as follows:

9 (4) Not have been convicted of a felony listed under § 17-2-102;  
10 and

11  
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for  
13 renewal, revocation, or suspension of a social worker license, is amended to  
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a  
16 person who has been found guilty of a felony, ~~any crime involving moral~~  
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,  
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable  
19 unless the person requests and the board grants a waiver under § 17-103-  
20 307(f).

21  
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning  
23 qualifications of an applicant for licensure as a licensed social worker, is  
24 repealed.

25 ~~(D) Has good moral character;~~

26  
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning  
28 qualifications for a Licensed Social Worker license, is amended to read as  
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been  
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §  
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,  
33 breach of client trust, or abuse of the vulnerable;

34  
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the  
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been  
3 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §  
4 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,  
5 breach of client trust, or abuse of the vulnerable;

6  
7 SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the  
8 qualifications for a Licensed Certified Social Worker license, is amended to  
9 read as follows:

10 (H) Has not pleaded guilty or nolo contendere to or been found  
11 guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-  
12 102 or criminal offense involving violence, dishonesty, fraud, deceit, breach  
13 of client trust, or abuse of the vulnerable;

14  
15 SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal  
16 background check requirements for social workers, are amended to read as  
17 follows:

18 (d) Upon completion of the criminal background check, the  
19 Identification Bureau of the Department of Arkansas State Police shall  
20 forward to the board all releasable information obtained concerning the  
21 applicant ~~in the commission of any offense listed in subsection (e) of this~~  
22 ~~section.~~

23 (e) For purposes of this section, the board shall follow the licensing  
24 restrictions based on criminal records under § 17-2-102. Except as provided  
25 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~  
26 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~  
27 ~~contendere to or been found guilty of a felony, any crime involving moral~~  
28 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~  
29 ~~breach of client trust, or abuse of the vulnerable, including without~~  
30 ~~limitation:~~

31 ~~(1) Capital murder as prohibited in § 5-10-101;~~  
32 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~  
33 ~~murder in the second degree as prohibited in § 5-10-103;~~  
34 ~~(3) Manslaughter as prohibited in § 5-10-104;~~  
35 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~  
36 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

- 1           ~~(6) False imprisonment in the first degree as prohibited in § 5-~~  
2   ~~11-103;~~
- 3           ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~  
4   ~~106;~~
- 5           ~~(8) Robbery as prohibited in § 5-12-102;~~
- 6           ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- 7           ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- 8           ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- 9           ~~(12) Introduction of a controlled substance into the body of~~  
10 ~~another person as prohibited in § 5-13-210;~~
- 11           ~~(13) Aggravated assault upon a law enforcement officer or an~~  
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 13           ~~(14) Terroristic threatening in the first degree as prohibited~~  
14 ~~in § 5-13-301;~~
- 15           ~~(15) Rape as prohibited in § 5-14-103;~~
- 16           ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- 17           ~~(17) Sexual extortion, § 5-14-113;~~
- 18           ~~(18) Sexual assault in the first degree, second degree, third~~  
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- 20           ~~(19) Incest as prohibited in § 5-26-202;~~
- 21           ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~  
22 ~~5-26-306;~~
- 23           ~~(21) Endangering the welfare of an incompetent person in the~~  
24 ~~first degree as prohibited in § 5-27-201;~~
- 25           ~~(22) Endangering the welfare of a minor in the first degree as~~  
26 ~~prohibited in § 5-27-205;~~
- 27           ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~
- 28           ~~(24) Engaging children in sexually explicit conduct for use in~~  
29 ~~visual or print media, transportation of minors for prohibited sexual~~  
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~  
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~  
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~  
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~  
34 ~~5-27-403;~~
- 35           ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
- 36           ~~(26) Computer exploitation of a child in the first degree as~~

1 ~~prohibited in § 5-27-605;~~

2 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

3 ~~(28) Theft of property as prohibited in § 5-36-103;~~

4 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

5 ~~(30) Arson as prohibited in § 5-38-301;~~

6 ~~(31) Burglary as prohibited in § 5-39-201;~~

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~  
8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~  
9 ~~5-64-442;~~

10 ~~(33) Promotion of prostitution in the first degree as prohibited~~  
11 ~~in § 5-70-104;~~

12 ~~(34) Stalking as prohibited in § 5-71-229; and~~

13 ~~(35) Criminal attempt, criminal complicity, criminal~~  
14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~  
15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~  
17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

19 ~~(B) The person holding a license subject to revocation.~~

20 ~~(2) Circumstances for which a waiver may be granted include, but~~  
21 ~~are not limited to, the following:~~

22 ~~(A) The applicant's age at the time the crime was~~  
23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

29 ~~(G) Other evidence demonstrating that the applicant does~~  
30 ~~not pose a threat to the health or safety of children or endangered adults.~~

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification  
32 Bureau of the Department of Arkansas State Police under this section shall  
33 not be available for examination except by the affected applicant for  
34 licensure or his or her authorized representative or the person whose license  
35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

2 ~~(h)~~(g) Information made available to the affected applicant for  
3 licensure or the person whose license is subject to revocation shall be  
4 information pertaining to that person only.

5 ~~(i)~~(h) Rights of privilege and confidentiality established in this  
6 section do not extend to any document created for purposes other than the  
7 criminal background check.

8 ~~(j)~~(i) The board shall adopt the necessary rules to fully implement  
9 the provisions of this section.

10 ~~(k)(1) As used in this section, an expunged record of a conviction or~~  
11 ~~plea of guilty or nolo contendere to an offense listed in subsection (c) of~~  
12 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~  
13 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~  
14 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~  
15 ~~subdivision (k)(2) of this section.~~

16 ~~(2) Because of the serious nature of the offenses and the close~~  
17 ~~relationship to the type of work that is to be performed, a conviction,~~  
18 ~~guilty plea, or nolo contendere plea to any of the following offenses shall~~  
19 ~~result in permanent disqualification for licensure:~~

- 20 ~~(A) Capital murder as prohibited in § 5-10-101;~~  
21 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~  
22 ~~and murder in the second degree as prohibited in § 5-10-103;~~  
23 ~~(C) Kidnapping as prohibited in § 5-11-102;~~  
24 ~~(D) Aggravated assault upon a law enforcement officer or~~  
25 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~  
26 ~~(E) Rape as prohibited in § 5-14-103;~~  
27 ~~(F) Sexual extortion, § 5-14-113;~~  
28 ~~(G) Sexual assault in the first degree as prohibited in §~~  
29 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~  
30 ~~(H) Endangering the welfare of an incompetent person in~~  
31 ~~the first degree as prohibited in § 5-27-201;~~  
32 ~~(I) Endangering the welfare of a minor in the first degree~~  
33 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~  
34 ~~second degree as prohibited in § 5-27-206;~~  
35 ~~(J) Engaging children in sexually explicit conduct for use~~  
36 ~~in visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, or pandering or possessing a visual or print medium depicting~~  
2 ~~sexually explicit conduct involving a child, or use of a child or consent to~~  
3 ~~use of a child in a sexual performance by producing, directing, or promoting~~  
4 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~  
5 ~~27-402, and 5-27-403;~~

6 ~~(K) Adult abuse that constitutes a felony as prohibited in~~  
7 ~~§ 5-28-103; and~~

8 ~~(L) Arson as prohibited in § 5-38-301.~~

9  
10 SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations  
11 of the Perfusionist Licensure Act, is amended to read as follows:

12 (F) A plea of guilty, nolo contendere, or a finding of  
13 guilt of a felony listed under § 17-2-102 or any offense substantially  
14 related to the qualifications, functions, or duties of a perfusionist, in  
15 which event the record shall be conclusive evidence; or

16  
17 SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning  
18 qualifications of an applicant for licensure as a physician assistant, is  
19 repealed.

20 ~~(6) Is of good moral character;~~

21  
22 SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:  
23 17-105-113. Violation.

24 Following the exercise of due process, the Arkansas State Medical Board  
25 may discipline any physician assistant who:

26 (1) Fraudulently or deceptively obtains or attempts to obtain a  
27 license;

28 (2) Fraudulently or deceptively uses a license;

29 (3) Violates any provision of this chapter or any regulations  
30 adopted by the board pertaining to this chapter;

31 (4) Is convicted of a felony listed under § 17-2-102;

32 (5) Is a habitual user of intoxicants or drugs to such an extent  
33 that he or she is unable to safely perform as a physician assistant;

34 (6) Has been adjudicated as mentally incompetent or has a mental  
35 condition that renders him or her unable to safely perform as a physician  
36 assistant; or

1           ~~(7) Has committed an act of moral turpitude; or~~

2           ~~(8)~~(7) Represents himself or herself as a physician.

3  
4           SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the  
5   licensing requirements for healthcare professionals who use radioactive  
6   materials or medical equipment emitting or detecting ionizing radiation on  
7   human beings for diagnostic or therapeutic purposes, is amended to read as  
8   follows:

9           (2) Submit satisfactory evidence verified by oath or affirmation  
10   that the applicant:

11                   (A) Is qualified to administer radioactive materials or  
12   operate medical equipment emitting or detecting ionizing radiation upon human  
13   beings;

14                   ~~(B) Is of good moral character;~~

15                   ~~(C)~~(B) Is at least eighteen (18) years of age at the time  
16   of application; and

17                   ~~(D)~~(C) Has been awarded a high school diploma or has  
18   passed the General Educational Development Test or the equivalent.

19  
20           SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline  
21   for healthcare professionals who use radioactive materials or medical  
22   equipment emitting or detecting ionizing radiation on human beings for  
23   diagnostic or therapeutic purposes, is amended to read as follows:

24           (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~  
25   ~~court of competent jurisdiction either within or outside of this state unless~~  
26   ~~the conviction has been reversed and the holder of the license has been~~  
27   ~~discharged or acquitted or if the holder has been pardoned with full~~  
28   ~~restoration of civil rights, in which case the license shall be restored;~~

29  
30           SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary  
31   action for orthotists, prosthetists, and pedorthists, is amended to read as  
32   follows:

33           (1) Has pleaded guilty or nolo contendere to or has been found  
34   guilty of a felony listed under § 17-2-102;



*/s/J. Cooper*

**APPROVED: 4/15/19**