

ARKANSAS PSYCHOLOGY BOARD
RULES
2020-2022

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ARKANSAS PSYCHOLOGY BOARD RULES

2020-2022

SECTION 1. GENERAL INFORMATION.

1.1 Description of Organization.

The Arkansas Psychology Board is composed of nine (9) members appointed by the Governor of the State of Arkansas to staggered terms of five (5) years. Appointments for all positions, except the Consumer Representative and the Senior Citizen Representative, will be made from a list of nominees submitted to the Governor by the Arkansas Psychological Association or the Arkansas Association of Psychological Examiners, or by other interested Arkansas licensed Psychologists or Psychological Examiners as documented by a list which has attached thereto the signatures of at least twenty (20) licensed Psychologists or Psychological Examiners. Membership of the Board will be composed of one (1) academic Psychologist engaged in full-time teaching of psychology at the graduate level at an approved institute of higher learning or holding an active faculty appointment in an American Psychological Association approved pre or post-doctoral internship program; four (4) practicing Psychologists engaged in the full-time practice of psychology with at least one (1) Psychologist engaged in the full-time, private practice of psychology, and two (2) Psychological Examiners engaged in the full-time practice of psychology. Each Psychologist and Psychological Examiner must have been licensed to practice psychology in Arkansas for at least five (5) years immediately preceding appointment to the Board. The Consumer Representative and the Senior Citizen Representative, appointed from the general public, subject to confirmation by the Senate (Chapter 97, Statute 17-97-210; Act 113 of 1977; Act 939 of 1979; Act 955 of 1995) who are not actively engaged in or retired from the practice of psychology shall be voting members at-large.

1.2 Responsibilities of the Organization.

The Board is charged by law with regulating the practice of psychology in the State of Arkansas including, but not limited to, examining and passing upon the qualification of applicants for the practice of psychology. The major responsibility of the State Board is to insure that the people of the State of Arkansas are protected from misrepresentation, unethical practice, and/or incompetence in the practice of psychology.

1.3 Administration of the Organization.

The Board is charged by law with administering its duties consistent with the Act under which it was organized and authorized to regulate the practice of psychology. Consistent with the Administrative Procedure Act and in the interest of the public of the State of Arkansas, the following are the major administrative responsibilities of the Board:

1.3. A. Records. Records of the Board shall be kept, maintained, and available for inspection according to the Freedom of Information Act.

1.3. B. Public Meetings. All Board meetings, except as otherwise specifically provided by law, whether formal or informal, shall be open to the public.

1.3. C. Public Notice. The date, time, and place of meetings shall be furnished to anyone requesting the information and shall be routinely published.

1.3. D. Forms. All forms and accompanying instructions shall follow these Rules.

1.3. E. Directory. The Board shall provide a Directory to the public upon request, which may be published in electronic form that includes the following:

1.3. E. (1) Names of all licensed individuals in the State.

1.3. E. (2) Level of licensure, whether Psychologist or Psychological Examiner.

1.3. E. (3) Text of Arkansas Code Annotated, Sec 17-97-101, et seq.

1.3. E. (4) A copy of these Rules.

1.3. E. (5) Information on Continuing Education requirements for licensure.

1.3. E. (6) Other information considered necessary by the Board to inform the public about the practice of psychology, or needed by the public to make informed use of psychological services. (A copy of the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association adopted by the Board as part

of these Rules shall be provided upon request to all individuals who do not have a copy and cannot otherwise obtain a copy of the principles.)

1.3. F. Opinions. Informal opinions given by individual Board members do not reflect the opinion of the full Board. Only opinions, decisions, or policies documented in the written minutes of Board meetings shall be considered binding actions of the Board.

SECTION 2. DEFINITIONS

2.1. The Board defines the following major terms used in A.C.A. § 17-97-302 and § 303.

2.1. A. The Board. In these rules, this term refers to the Arkansas Psychology Board

2.1. B. The Act. This phrase and the term A.C.A. refer to the Arkansas Code Annotated.

2.1. C. The Practice of Psychology. Unless specifically exempt by A.C.A. § 17-97-103, no person shall practice psychology in the State of Arkansas in any manner without a valid license issued by the Arkansas Psychology Board.

2.1. D. Principles, Methods, and Procedures of the Science of Psychology. These terms are descriptive, rather than limiting, and include those techniques used in evaluating and/or changing behavior, mental processes, and/or interpersonal relations.

2.1. E. For Such Purposes. This phrase is descriptive, rather than limiting. It includes such activities as interpersonal facilitation, hypnosis, individual therapy, group therapy, behavior modifications, and/or behavior therapy, and other forms of psychotherapy, counseling, research, assessment, psychological consultation, and other behavior change techniques whatever the location of the service. These activities are examples and are not to be construed as representative of all psychological activities.

2.1. F. Overall Personality Appraisal and Classification. This phrase is descriptive and includes diagnostic evaluation of mental disorders such as those contained within acceptable nosological classification systems such as the DSM and ICD, with the exception of psycho educational or vocational diagnoses.

2.1. G. Supervising Psychologist. A Psychologist holding a valid and current license, whose training and experience are appropriate for supervision in the areas of the supervised practice, who abides by these Rules (See Section 6). Supervising Psychologist is not a legal title, but a description of a role.

2.1. H. Effective Communication. The Psychologist or Psychological Examiner providing therapeutic services must maintain a relationship with a qualified physician for the diagnosis and/or treatment of medical problems.

2.2. The Board defines the following major terms used in Sections 5 and 6 of these Rules:

2.2. A. Qualified Psychologist. Is not a legal title, but is an individual holding a doctorate who meets at least one of the following criteria:

2.2. A. (1) Is a licensed Psychologist

2.2. A. (2) Is an instructor of statistics/research design in a graduate department of psychology and holds a joint appointment in another department.

2.2. A. (3) Possesses a documented doctoral degree in psychology.

2.3. The Psychological Interjurisdictional Compact ("Psypact"):

2.3. A. Any reference in these Rules to "Psypact" refers to the Psychological Interjurisdictional Compact, which is codified at Ark. Code. Ann. § 17-97-501, et. seq.

SECTION 3. BOARD Membership and Duties

3.1. Length of Term.

Terms of each Board member shall expire on December 31 of the final year of the five (5) year term; however, these Board members shall continue to serve in full capacity until such time as the new member is appointed by the Governor and begins formal responsibilities.

3.2. Revenue.

Revenue generated by fees shall constitute the income of the Board.

3.3. Meetings.

At least one (1) regular meeting shall be held each year and additional meetings may be held as often as necessary.

3.4. Rules.

Rules shall be adopted as necessary to define the role of the Board and facilitate the performance of its duties on behalf of the people of the State of Arkansas.

3.5. Quorum.

A majority of members of the Board shall constitute a quorum for the conduct of business.

3.6. Assistants.

Assistants may be hired by the Board, as are necessary to carry on its activities.

3.7. Grants.

The Board may accept grants from foundations or institutions as considered necessary by the Board to assist in the fiscal responsibility.

3.8. Letters of Professional Reference.

To prevent conflicts of interest, members of the Board may not provide professional references to applicants.

SECTION 4. USE OF TITLE.

4.1. Licensure Requirement.

Pursuant to A.C.A. § 17-97-301, it is a misdemeanor for any unlicensed individual to practice or hold him/herself out to the public as being engaged in the practice of psychology. Use of any title incorporating "psychology," "Psychologist" or "psychological," or any other title that, by implication, is associated with the practice of psychology, shall be used only by licensed individuals except as provided in A.C.A. § 17-97-307. Use of title by licensed individuals shall not be done in any manner which could reasonably confuse the public as to level of licensure. Individuals who have been certified as School Psychology Specialists by the Department of Education shall use the title, School Psychology Specialist, and only that title, unless they are licensed as a Psychologist or Psychological Examiner.

4.2. Students/Trainees.

Students participating in a recognized training program in the practice of psychology shall clearly show this training status with descriptive terms such as "intern", "resident" or "trainee." Without such qualifying terms, they shall not hold themselves out, by title or implication, as qualified to practice psychology. Any use of a title by students which is in violation of these Rules and/or A.C.A. § 17-97- 101, et seq. may result in disciplinary action by the Board. A student is defined as an individual participating in a recognized training program which has an integrated and organized sequence of graduate level course work in psychology, and whose primary identification is that of student.

SECTION 5. QUALIFICATIONS OF APPLICANTS FOR LICENSURE

5.1. General.

The Board shall establish education, experience, and professional requirements for licensure to practice psychology. These qualifications will comply with minimum standard practices in the field of psychology and represent the minimum level of skill and experience necessary for an individual to practice psychology in the State of Arkansas.

5.2. Statement of Intent.

Since A.C.A. § 17-97-101, et seq. is a generic licensure law and does not involve specialty licensure in the State of Arkansas, a Statement of Intent must accompany each application for licensure. This document is used by the Board to define and limit the applicant's practice of psychology to those areas in which the applicant has academic training and supervised experience, as per the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association. The Statement of Intent shall reflect the proposed application of skills and abilities in the practice of psychology, populations to be served, settings in which services will be rendered, and specific professional limitations. Independent practice privileges within each area listed on the Statement of Intent require a minimum of:

5.2. A. Completion of a three (3) semester hour (or equivalent quarter hour) didactic course, or equivalent instruction, in the relevant area.

5.2. B. Documented evidence of supervised experience in the area.

5.2. C. Documentation by a supervisor of that applicant showing entry level competence in that area.

5.2. D. Supervised practice privileges; this includes:

5.2. D. (1) Completion of a three (3) semester hour didactic course, or equivalent, and

5.2. D. (2) Supervised experience in that area of practice.

The Board's evaluation of the Statement of Intent shall ensure that the applicant has sufficient academic training, supervised experience, skills, abilities, and knowledge of the profession of psychology to practice consistent with the Statement of Intent.

5.3. Requirements for Licensure as a PSYCHOLOGICAL EXAMINER.

5.3. A. The individual must have a master's degree in psychology or closely related field from an accredited educational institution that the Board recognizes as maintaining satisfactory standards. The institution must have been accredited by the region in which it provides academic training at the time the degree was granted, and the program of study must meet all of the following criteria:

5.3. A. (1) The program is a recognizable coherent entity within the institution.

5.3. A. (2) The program is an integrated, organized sequence of study.

5.3. A. (3) There must be an identifiable psychology faculty on-site sufficient in size to ensure the ratio of faculty to students is adequate for instruction. The faculty must also have sufficient breadth in order to ensure that the scope of knowledge in psychology provides for adequate instruction. Sufficiency shall be subject to the judgment of the Board.

5.3. A. (4) The program has an identifiable body of students who are matriculated in that program for a degree.

5.3. A. (5) The program must include a supervised practicum or internship, or field laboratory training appropriate to the practice of psychology.

5.3.A.(6) The curriculum shall encompass a minimum of two academic years of full-time graduate study, including instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics.

5.3. B. The program of study must meet the following minimum requirements:

5.3. B. (1) Forty-Five (45) graduate semester hours or seventy-five (75) quarter hours with an average grade of "B" or above in the Department of Psychology. If taught in a department other than Psychology, the courses must have been taught by a qualified Psychologist as defined in Section 2.2. A. of the Rules and Regulations.

5.3. B.1. (a) Individuals who have master's degrees in psychology or its equivalent making application on or prior to August 30, 2002 will be allowed to meet the previous thirty-six (36) or equivalent quarter hour requirement. After this date the standard set forth in 5.3.B. (1) will apply to all Psychological Examiner applicants.

5.3.B.(2) Graduate level course work of three (3) semester hours (5 quarter hours) with a grade of "B" or above in seven (7) of the following general areas of psychological study:

5.3. B. (2). (a) Learning (theories or processes).

5.3. B. (2). (b) Statistics (descriptive and inferential).

5.3. B. (2). (c) Individual Intelligence Testing with practicum.

5.3. B. (2). (d) Individual Personality Appraisal.

5.3. B. (2). (e) Behavior Deviation or Abnormal Psychology.

5.3. B. (2). (f) Personality Theories.

5.3. B. (2). (g) Developmental Psychology.

5.3. B. (2). (h) Psychotherapy Theories & Techniques.

5.3. B. (2). (i) Social Psychology.

5.3. B. (2). (j) Industrial/Organizational Psychology

5.3. B. (2). (k) Research Design

5.3. B. (2). (l) Behavior Theory or Techniques of Behavior.

5.3. B. (2). (m) Physiological Psychology or Sensation and Perception

5.3. B. (2). (n) Ethics and/or Professional Issues

5.3. B. (3) A maximum of two (2) of the courses listed in Section 5.3. B. (1) may be taken as independent study courses. No course work required in Section 5.3. B. (2) may be taken as independent study. Examples of independent study include but are not limited to the following:

5.3. B. (3). (a) Courses defined by the institution as independent study.

5.3. B. (3). (b) Classes in which fewer than two (2) students are enrolled.

5.3. B. (3). (c) Correspondence courses.

5.3. B. (3). (d) Classes which have less than one (1) class meeting every other week.

5.3. B. (3). (e) Classes which do not meet on an identifiable campus.

However, a course offered within a program which is accredited by the American Psychological Association may have features 5.3.B. (3) (d) and 5.3.B. (3) (e) and not be considered independent study by the Board.

5.3. B. (4) Individual courses must specifically support areas of practice listed on the licensee's Statement of Intent.

5.3. B. (5) Fifteen (15) graduate semester hours (twenty-two [22] graduate quarter hours) of the program of study must specifically support the Statement of Intent to practice Psychology.

5.3. C. A minimum of 600 clock hours of supervised experience directly related to the intended use of the license as defined by the Statement of Intent obtained by formal internship. The internship must meet all of the following criteria:

5.3.C.(1) The training program must be organized, in contrast to supervised experience or on-the-job training, and designed to provide the intern with a preprogrammed sequence of training experiences. The primary focus and purpose must be assuring the breadth and quality of training.

5.3.C.(2) The internship must have at least one designated supervising Psychologist who is responsible for the integrity and quality of the training program and who is actively licensed by the State Board of Examiners in Psychology.

5.3.C.(3) The agency must have at least one Psychologist on the staff or an affiliated Psychologist as supervisor and this Psychologist must be actively licensed as a Psychologist by the State Board of Examiners in Psychology.

5.3. C. (4) Internship supervision must be provided by a staff Psychologist of the internship agency or by an affiliate Psychologist of that agency who carries clinical responsibility for the cases being supervised.

5.3.C.(5) The internship must provide training in a range of assessment and treatment activities conducted directly with persons served who are seeking health services, or assessment and treatment planning in school settings.

5.3. C. (6) At least 25 percent of the intern's time must be in direct contact with persons served by the organization (minimum 125 hours).5.3.C. (7) The internship must include a minimum of one (1) hour per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with services rendered directly by the intern.

5.3. C. (8) The internship must be post-practicum and/or post-clerkship.

5.3. C. (9) The intern must have a title indicating his/her training status.

5.3. C. (10) The internship must be completed within 24 months.

5.3. C. (11) Public announcements of services and fees and contact with the lay or professional community shall be offered only by or in the name of the supervising Psychologist or agency.

5.3. C. (12) Users of the intern's services shall be informed as to the intern's status, and shall be given specific information as to his/her qualifications and functions.

5.3. C. (13) Persons served shall be informed that they may meet with the supervising Psychologist at their request, or at the request of the intern or the supervising Psychologist.

5.3. C. (14) The supervising Psychologist is responsible for all documentation including clinical records, reports, and written correspondence. Countersignatures may be required, at the discretion of the supervising Psychologist.

5.3.C. (15) The supervising Psychologist shall establish and maintain a level of supervisor contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

5.3. D. Compliance with all requirements set forth in A.C.A. § 17-97-101, et seq. is mandatory.

5.3. E. References attesting to the applicant's ethical and professional behavior and to his/her competence in relevant skill areas must accompany the application. These professional references must include the following:

5.3. E. (1) A reference documenting successful program completion from the Director of the academic training program at the institution where the academic work and/or training were obtained. 5.3. E. (2) Three (3) references from qualified professional Psychologists who have direct and comprehensive knowledge of the applicant's competence. A qualified Psychologist is defined in Section 2.2.A. of the Rules and Regulations.

5.3. F. Change in Status. Psychological Examiners requesting a change to Psychologist licensure must submit the appropriate application and documentation materials, pay the application fee, and meet all requirements for licensure as a Psychologist.

5.3.5 Requirements for Licensure As a Psychological Examiner With Independent Practice Privileges (LPE-I). At any point in their career, a person with an LPE license may apply for independent practice privileges.

5.3.5.A. An Individual must have an LPE license issued by this Board or meet all requirements for the LPE license with a master's degree in Psychology.

5.3.5.B. An individual licensed as an LPE prior to 12/31/1997 shall write a letter to the Board requesting independent practice privileges and shall submit a revised Statement of Intent For Independent Practice. Independent practice must exclude Neuropsychological Assessment and Projective Personality Assessment.

5.3.5.C. An individual licensed as an LPE after 12/31/1997 must write a letter to the Board applying for independent practice privileges. This application must include:

5.3.5.C.(1) A revised Statement of Intent which excludes the independent practice of Neuropsychological Assessment and Projective Personality Assessment and provide documentation of having received appropriate training and experience in those areas requested for independent practice.

5.3.5.C.(2) A plan of supervision of 3000 hours of clinical training, defined as direct and indirect client service, by a Board approved supervisor. The plan of supervision must be approved by the Board prior to implementation of the plan.

5.3.5.D After 12/31/2013, no new psychological examiner license shall be issued.

5.4. Requirements for Licensure as a PSYCHOLOGIST.

5.4. A. A doctoral degree in psychology from a regionally accredited institution that meets the following criteria and is recognized by the Board as maintaining satisfactory standards.

5.4. A. (1) Programs that are accredited by the American Psychological Association, the Canadian Psychological Association or

5.4. A. (2) Programs that meet all of the following criteria:

5.4. A. (2) (a) Training at the doctoral level in professional psychology offered in a regionally accredited institution of higher education.

5.4. A. (2) (b) The psychology program is a recognizable coherent entity within the institution.

5.4. A. (2) (c) The program is an integrated, organized sequence of study.

5.4. A. (2) (d) There must be an identifiable psychology faculty on-site sufficient in size to ensure the ratio of faculty to students is adequate for instruction. The faculty must also have sufficient breadth in order to ensure that the scope of knowledge in psychology provides for adequate instruction. Sufficiency shall be subject to the judgment of the Board.

5.4. A. (2) (e) The program has an identifiable body of students who are matriculated in that program for a degree.

5.4. A. (2) (f) The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study and a minimum of one year's residency at the educational institution granting the doctoral degree. Residence requires education and training to be completed over the days and weeks of an academic year on campus and provides students access to a core psychology faculty, whose primary time and employment responsibilities are to the educational institution, as well as access to other students matriculated in that program. Residency is not intended to be accrued in experiences off campus in which medical or non-psychology services are observed and discussed as a substitute for regular classroom instruction and or seminars. Models that use face to face contact for short durations throughout a year as a substitute for full time residency defeat the intended purpose of residency. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five [5] or more graduate quarter hours) in each of these four (4) substantive content areas:

5.4. A. (2) (f) (i). Biological bases of behavior:
Physiological psychology, comparative psychology,
sensation and perception, psychopharmacology.

5.4. A. (2) (f) (ii). Cognitive-affective bases of behavior:
Learning, thinking, motivation, emotion.

5.4. A. (2) (f) (iii). Social bases of behavior: Social psychology, group processes, organizational and systems theory.

5.4. A. (2) (f) (iv). Individual differences: Personality theory, human development, abnormal psychology.

5.4. B. A reference documenting successful program completion from the Director of the academic training program at the institution where the academic work and/or training were obtained.

5.4. C. Three (3) references from qualified Psychologists with direct and comprehensive knowledge of the applicant's competence. A qualified Psychologist is defined in Section 2.2.A. of the Rules.

5.4. D. Applicants who hold a doctoral degree in a closely allied field may be considered for licensure if the degree is from a regionally accredited institution that is recognized by the Board as maintaining satisfactory standards.

5.4. D. (1) This training must have been in a program that stands as a recognizable entity within the institution, and the program, wherever it may be administratively housed, must clearly be identified and labeled as a psychology program. Pertinent institutional catalogues and brochures must specify that its intent is to educate and train professional Psychologists.

5.4. D. (2) The training must meet all the requirements of Section 5 of these Rules.

5.4. E. Academic Course Requirements. Professional education programs in psychology are to be accredited by the American Psychological Association or will include course requirements as follows:

5.4. E. (1) A minimum of eighty (80) graduate semester hours (or one hundred thirty-three [133] graduate quarter hours) with a grade of B or above. Course work must have been taught by a qualified Psychologist. A "qualified Psychologist" is defined in Section 2.2.A. of the Rules.

5.4.E.(2) Graduate course work of three (3) semester hours (5 quarter hours) with a grade of "B" or above in seven (7) of the following general areas of psychological study:

5.4. E. (2) (a) Learning (Theories or Processes).

- 5.4. E. (2) (b) Statistics (Descriptive and Inferential).
- 5.4. E. (2) (c) Individual Intelligence Testing with practicum.
- 5.4. E. (2) (d) Individual Personality Appraisal.
- 5.4. E. (2) (e) Behavior Deviation or Abnormal Psychology.
- 5.4. E. (2) (f) Personality Theories.
- 5.4. E. (2) (g) Developmental Psychology.
- 5.4. E. (2) (h) Psychotherapy Theories and Techniques.
- 5.4. E. (2) (i) Social Psychology.
- 5.4. E. (2) (j) Industrial/Organizational Psychology.
- 5.4. E. (2) (k) Research Design.
- 5.4. E. (2) (l) Behavior Theory or Techniques or Behavior Modification.
- 5.4. E. (2) (m) Ethics and Professional Issues.
- 5.4. E. (2) (n) Physiological Psychology or Sensation and Perception.

5.4. E. (3) A maximum of two (2) of the courses listed in 5.4.E. (1) may be taken as independent study courses. No course work required in Section 5.4.E. (2) may be taken as independent study. Examples of independent study include but are not limited to:

- 5.4. E. (3) (a) Courses defined by the institution as independent study.
- 5.4. E. (3) (b) Classes in which fewer than two (2) students are enrolled.
- 5.4. E. (3) (c) Correspondence courses.
- 5.4. E. (3) (d) Classes which have less than one (1) class meeting every other week.

5.4. E. (3) (e) Classes which do not meet on an identifiable campus.

However, a course offered within a program which is accredited by the American Psychological Association may have features 5.4.E. (3) (d) and 5.4.E. (3) (e) and not be considered independent study by the Board.

5.4. F. Supervised Experience. To become licensed in Arkansas, a psychologist must complete a 2000 hour pre-doctoral internship program and obtain 2000 hours of post-doctoral supervision.

5.4. F. (1) Pre-Doctoral Internship. A pre-doctoral internship program that is accredited by the Psychological Association which provides training consistent with both the doctoral program of study and the Statement of Intent; or

5.4. F. (2) A 2000 hour internship program that meets all of the following criteria:

5.4. F. (2) (a) The internship program must be organized, in contrast to supervised experience or on-the-job training, and designed to provide the intern with a programmed sequence of training experiences. The primary focus and purpose must be assuring the breadth and quality of training.

5.4. F. (2) (b) The internship program must have a clearly designated staff Psychologist who is responsible for the integrity and quality of the training program and who is actively licensed/certified by the Arkansas Psychology Board or the proper psychological licensing entity, if participating in an internship in another state.

5.4. F. (2) (c) The internship program must have two or more Psychologists on the staff as supervisors, at least one of whom must be actively licensed as a Psychologist by the Arkansas Psychology Board or the proper psychological licensing entity, if participating in an internship in another state.

5.4. F. (2) (d) Internship supervision must be provided by a staff member of the internship program or by an affiliate of that program who carries clinical responsibility for the cases being supervised. At least half of the internship supervision must be provided by one or more Psychologists.

5.4. F. (2) (e) The internship program must provide training in a range of assessment and treatment activities conducted directly with patients seeking health services.

5.4. F. (2) (f) The internship program must be completed within a multidisciplinary setting. The contribution of a minimum of two (2) other disciplines, whose expertise is germane, into the evaluation and intervention decisions in professional problems areas is considered a necessary aspect of professional training and experience.

5.4. F. (2) (g) The intern must spend at least 25 percent of the of the program in direct patient contact (minimum 500 hours).

5.4. F. (2) (h) The internship program must include a minimum of two (2) hours per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with health services rendered directly by the intern. There must also be at least two (2) additional hours per week in learning activities such as: case conferences involving cases in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person including discussion; group supervision; or additional individual supervision.

5.4. F. (2) (i) Training must be post-clerkship, post-practicum, and post-externship level.

5.4. F. (2) (j) The intern must have a title indicating his/her training status.

5.4.F. (2) (k) The internship program must make available to prospective interns a written statement (i.e., brochure, handbook, etc.) that describes the goals and content of the internship program, stating clear expectations for quantity and quality of the intern's work.

5.4. F. (2) (l) The internship program must be completed within 24 months.

5.4. F. (2) (m) Public announcement of services and fees and contact with the lay or professional community shall be offered

only by or in the name of the supervising Psychologist or agency.

5.4.F. (2) (n) Users of the intern's services shall be informed as to the intern's status, and shall be given specific information as to his/her qualifications and functions.

5.4. F. (2) (o) Persons served shall be informed that they may meet with the supervising Psychologist at their request, or at the request of the intern or the supervisor.

5.4. F. (2) (p) The supervisor is responsible for all documentation including clinical records, reports, and written correspondence. Countersignatures may be required, at the discretion of the supervising Psychologist.

5.4. F. (2) (q) The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

5.4. F. (2) (r). The internship program must have a minimum of two (2) interns at the doctoral level of training during applicant's training period. An internship with only one intern must be approved by the Board as clearly meeting all items a-q.

5.4. F. (3) For practice which is not health service related (i.e., does not provide direct ameliorative services) 2,000 hours of a supervised pre-doctoral internship program consistent with the doctoral program of study and the Statement of Intent to practice psychology are required.

5.4. G. All requirements listed in A.C.A. § 17-97-101, et seq. must be met.

5.4. H. Postdoctoral Supervised Experience. Two thousand (2000) hours of supervised postdoctoral experience is required.

5.4 H. (1) Postdoctoral supervision must meet the following criteria:

5.4. H. (1)(a) Be in line with the individual's program of doctoral study and consistent with the Statement of Intent to Practice.

5.4. H. (1)(b) Be full- time (40 hours per week) for at least one

calendar year (50 weeks). A part-time post-doctoral supervised experience must be pre-approved by the Board. Post-doctoral supervision may not exceed three (3) years.

5.4. (1)(c) At least 25 percent (minimum of 500 hours) of the postdoctoral experience must be in the provision of direct client services (i.e., psychological treatment and assessment) consistent with the individual's Statement of Intent to Practice.

5.4. H. (1)(d) Be under the supervision of a licensed Psychologist(s) whose Statement of Intent to Practice is consistent with the areas(s) of supervised experience.

5.4. H. (2) The supervisee must accumulate a minimum of one (1) hour per week of regularly scheduled formal face-to-face supervision with the specific intent of dealing with services rendered directly by the supervisee.

5.4. H. (3) Because the professional practice of psychology is not limited to clinical work, components of practice other than direct ameliorative services may be included in the postdoctoral supervised experience. These components include:

5.4. H. (3) (a) Teaching of psychology at a recognized academic institution or training program.

5.4. H. (3) (b) Research in psychology.

5.4. H. (3) (c) Consultation in psychology

5.4. H. (3) (d) Psychological or mental health related administration

5.4. H. (4) For practice which is not health service related (i.e., does not provide direct ameliorative services), 2,000 hours of supervised training experience consistent with the doctoral program of study, internship, and the Statement of Intent to practice psychology are required.

5.4. H. (5) To begin accruing postdoctoral supervised hours, applicants for licensure as a Psychologist must apply for and be granted Provisional Licensure status. If they have not already

passed the written examination, applicants are expected to pass the written licensure exam during the Provisional Licensure period. Provisional Licensure status is granted for up to 18 months and may be extended up to 3 years. If an applicant has not passed the written examination after three years, they may not engage in the professional practice of psychology as defined in ACA § 17-97102.

5.4. I Senior Psychologist Licensure Notwithstanding requirements for licensure as outlined in A.C.A. § 17-97-302, the Board shall issue a Senior Psychologist License to an applicant who has:

5.4. I. (1) At least twenty (20) years of licensure to practice psychology in a state of the United States or in Canada if that license was based on a doctoral degree:

5.4. I. (2) Received no disciplinary sanction during the entire period of licensure; and

5.4. I. (3) Tendered the appropriate application and fees as required under this chapter or the Rules of the Board.

5.5. Application Procedures for Licensure (All Applicants).

5.5. A. Inquiries. Application inquiries and completed application forms shall be submitted to the Administrative Staff of the Board.

5.5. B. Application Package. Upon request, and following payment of the application fee, the Administrative Staff will provide the applicant with the approved application packet.

5.5. C. A first time applicant must apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check. The board shall follow the licensing restrictions based on criminal records under A.C.A. § 17-3-101, et. seq.

5.5.C.(1) Pre-Licensure Criminal Background Check

5.5.C. (1) (a) 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.

5.5.C. (1) (b) The individual must obtain the pre-licensure criminal background check petition form from the Board.

5.5.C. (1) (c) The Board will respond with a decision in writing to a completed petition within a reasonable time.

5.5.C. (1) (d) The Board's response will state the reason(s) for the decision.

5.5.C. (1) (e) All decisions of the Board in response to the petition will be determined by the information provided by the individual.

5.5.C. (1) (f) Any decision made by the Board in response to a prelicensure criminal background check petition is not subject to appeal.

5.5.C. (1) (g) The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

5.5.C. (2) Waiver Process

5.5.C. (2) (a) If an individual has been convicted of an offense listed in A.C.A. § 17-3-102(a), ~~except those permanently disqualifying offenses found in subsection (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:

a. An affected applicant for a license; or

b. An individual holding a license subject to revocation.

5.5.C. (2) (b) The Board may grant a waiver upon consideration of the following, 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.

5.5.C. (2) (c) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

5.5.C. (2) (d) The Board will respond with a decision in writing and will state the reasons for the decision.

5.5.C. (2) (e) An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 et seq.

5.5. D. Completed Application. In order for the application to be considered complete, the applicant's file must contain all requested documentation, information, and validation, and the total application fee must be paid. The Board will not review an application until it is complete.

5.5. E. The course work required in Sections 5.3 and/or 5.4 must be documented in the application. If necessary, clarifying documents may be submitted that describe the pertinent content of courses. Such documents may include the educational institution's catalog, a letter from the instructor(s), or a copy of the course outline.

5.5. F. Provisional Licensure Applicant Status

5.5. F. (1) Only provisional licensure applicants may practice psychology in the State of Arkansas without holding a valid and current license, except as discussed in Section 7. Provisional licensure applicants may practice psychology under the supervision of a qualified Psychologist and under the rules established for supervision of provisional licensure applicants (Section 6). Any other persons practicing psychology by title or implication may be subject to disciplinary action pursuant to A.C.A. § 17-97-101, et seq.

5.5. F. (2) The applicant shall be considered a provisional licensure applicant when the Board approves all application materials and

admits the applicant to the next scheduled written examination. Upon receiving provisional licensure applicant status, an applicant will be notified by the Board of that status.

5.5. F. (3) Provisional Licensure, unless a reciprocity applicant, applicants may not practice psychology independently. They may practice only under the direction and control of a licensed Psychologist, or public or private agency, institution, or organization with which the supervisor is associated.

5.5. F. (4) Decision Regarding Application. Following formal credentials review, a positive recommendation shall qualify the applicant for provisional licensure applicant status. If the recommendation is not positive, the application under review shall be submitted to the full Board for review. An affirmative vote of a majority of the Board shall be held as evidence that the applicant has been assigned provisional licensure applicant status and has been admitted to the next scheduled written and/or oral examination. Provisional licensure applicant status shall be revoked and the applicant shall not be eligible for licensure if the information from the Identification Bureau of the Arkansas State Police reveals that the applicant has pleaded guilty or nolo contendere to, or been found guilty of, any offense listed in A.C.A. § 17-3-102(a). An applicant whose status is revoked may appeal this action through procedures identified in Section 12.2.

5.5. G. Notification of Status. Following formal credentials review, the applicant shall be notified by the Administrative Staff of the status of the application.

5.5. H. Collateral Notification. Upon completion of the application process, the Administrative Staff shall, at the request of the applicant, notify prospective or current employers of the applicant's status.

5.5. I. Work Permit Eligibility. The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit."

5.6. Interjurisdictional Practice of Psychology.

5.6. A. An individual licensed to practice psychology in another jurisdiction may obtain a license to practice psychology in this jurisdiction without written examination, so long as the requirements for a license in the former jurisdiction are equal to, or exceed, the

requirements for a license in this jurisdiction, as defined by A.C.A. § 17-97-101, et seq. and the rules of the Board. The Board has determined that an applicant for licensure who holds a Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB), or National Register certification who has held an active license in another jurisdiction for at least five (5) years shall be deemed to have met the educational and experience requirements for licensure. Such licensees may be subject to disciplinary action for any of the grounds listed in A.C.A. § 17-97-102(a) and Rule 10.2 on the same basis as other licensees, including actions taken in another jurisdiction.

5.6. B. Individuals desiring to apply for licensure pursuant to this provision (Rule 5.6) who have been licensed for at least five (5) years in a state which has entered into The National Register or through the ASPPB CPQ Program must:

5.6. B. (1) Complete the application on the forms provided by the Administrative Staff. Following payment of the application fee, the Administrative Staff will provide the applicant with the approved application packet. Request must be made for a "National Register" or "CPQ" Application packet.

5.6. B. (2) Pay the appropriate application fee.

5.6. B. (3) Apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check. In order to be considered for licensure, it must be determined that said individual has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in A.C.A. 17-97-102(a) within the preceding five (5) years, or have the Board waive the same pursuant to A.C.A. 17-97-102(b).

5.6. B. (4) In order for the application to be considered complete, the applicant's file must contain all requested documentation, information, and validation, and the total application fee must be paid. The Board will not review an application until it is complete.

5.6. C. Individuals desiring to apply for licensure pursuant to this provision (Rule 5.6) who are not licensed in a state that has entered into the The National Register and the ASPPB CPQ Program pursuant to these criteria must:

5.6. C. (1) Complete the standard application and meet all requirements as set out in Rule 5.5.

5.6. C. (2) Request the Board to determine that the jurisdiction in which the applicant is licensed has standards that are not lower than those required by Arkansas law. All other requirements will remain the same.

5.6. D. It is not considered to be practicing if the licensed individual from another jurisdiction is involved in:

5.6. D. (1) Consultation, with prior Board notification, on one case per year (maximum of thirty (30) days per calendar year). The Psychologist must notify the Board if it exceeds thirty (30) days in any one year prior to beginning the consultation. A letter describing the nature and length of the consultation, along with verification of credentials and appropriate licensure should be submitted to the Board prior to the provision of services.

5.6. D. (2) Voluntary disaster relief, with appropriate training, under the auspices of the American Red Cross or similarly organized programs.

5.6. E. Temporary Interjurisdictional Practice by Psypact State Psychologists.

5.6. E. (1) Section 5.6. D. (1) does not apply to Psychologists who are licensed in Psypact member states and hold a valid Temporary Authorization to Practice.

5.6. E. (2) Temporary interjurisdictional practice by Psychologists who are licensed in Psypact member states and hold a valid Temporary Authorization to Practice is governed by Article V of Psypact A.C.A. § 17-97-501.

SECTION 6. SUPERVISION

6.1. Applications.

Qualified supervision is required for those individuals who:

6.1. A. Have been provisionally licensed by the Board for the practice of psychology under qualified supervision.

6.1. A.(1) A provisional licensure Psychologist applicant who has held a Psychologist license in another jurisdiction for a period of 5 years and has been approved by the Board is exempt.

6.1. B. Are provisionally licensed by the Board as a psychology intern participating in an American Psychological Association-accredited predoctoral internship program.

6.1. C. Are licensed Psychological Examiners who are required by law to be supervised in some activities of the practice of psychology with the exception of psycho educational testing and diagnosis as consistent with their Statement of Intent to Practice.

6.1. D. Are deemed by the Board, because of academic, experiential, professional, or personal background reasons or because of formal adjudication or stipulated agreement, to require supervision in the practice of psychology.

6.1.E. Persons functioning as Neuropsychology Technicians.

6.2. General Responsibilities in the Supervisory Arrangement.

6.2. A. The Board shall not assume responsibility for establishing supervisory relationships.

6.2. B. A specific plan of supervision must be filed by the supervisor and the supervisee for approval by the Board prior to any delivery of services by the supervisee. The plan shall be individualized for the supervisee, protect the public interest, and increase and/or maintain the supervisee's level of professional skills.

6.2. B. (1) The plan of supervision must include the following:

6.2. B. (1) (a) A clear definition of the area(s) of practice to be supervised, including the types of activities and the populations served.

6.2. B. (1) (b) The frequency and times of supervisory sessions and specific areas to be covered, i.e., individual/group psychotherapy, assessments, tests administered, etc., will be determined by the supervising Psychologist.

6.2. B. (1) (c) A statement of educational and experiential goals for the supervisory period which may include formal course work, workshops, pertinent literature study, etc.

6.2. B. (1) (d) The plan shall be signed by both supervisor and supervisee.

6.2. B. (2) Exceptions or modifications to the plan shall be communicated to the Board within thirty (30) days.

6.2. B. (3) Should a supervisor and a supervisee have an unresolved disagreement regarding the plan of supervision, either party may initiate an appeal to the Board for resolution. For specialized areas in which the Board may lack expertise, the Board may appoint a committee of at least three (3) experienced psychology professionals to review the matters in contention and make recommendations to the Board for the Board's decision. This subsection does not apply to the supervision of Technicians.

6.2. C. The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards, insuring the welfare of the public, and the ethical and legal protection of the supervision process.

6.2. C. (1) A minimum of 1 hour of face-to-face supervision per week for provisional licensure applicants who have not previously held a psychology license. There may be special circumstances, e.g., geographical or confirmed physical hardship, when a jurisdiction may consider a variance in the frequency of the supervision sessions so that a minimum of four (4) hours per month of one-to-one supervision shall be maintained.

6.2. D. While the Board recognizes that the number of persons supervised by a given Psychologist may vary, the Board reserves the right to require documentation by the Psychologist of the adequacy of supervision when one Psychologist is supervising multiple licensed professionals or applicants for licensure.

6.2. D. (1) The Identity and role of the supervisor should be clearly documented, with the supervisor's signature, in the clinical record of each person served. This is to notify users of the record that the case is being supervised and to acknowledge that the supervisor is aware of the supervisee's work in each case. (The Board does not require cosignature of progress notes; however, co-signature is one option for documenting supervision at the discretion of the supervisor.)

6.2. E. The Board requires the supervisor to be clearly aware of the professional skills, practices, ethics, and abilities of each person being supervised.

6.2. E. (1) Supervisors may only supervise those areas of practice Indicated in their own Statement of Intent.

6.2. F. A Psychologist may be disqualified by the Board as a supervisor should he/she fail to provide adequate supervision under the requirements of the Rules of the Board.

6.2. G. As of October 1, 2000, the following shall be in effect: Supervising Psychologists shall be licensed or certified for the practice of psychology and must be aware of and abide by the ethical principles and state or provincial statutes pertaining to the practice of psychology in general and to supervision in particular. Supervisors have adequate training, knowledge and skill to render competently any psychological service that their supervisee undertakes. They shall not permit their supervisee to engage in any psychological practice that they cannot perform competently themselves. The supervisor has the responsibility to interrupt or terminate the supervisee's activities whenever necessary to ensure adequate training and the protection of the public. The supervisor has training and/or coursework in supervision and three (3) current recommendations in order to qualify as a supervisor.

6.2. H. Supervision sessions should be documented giving dates, time spent, nature of the contact with the supervisor, and both signatures.

6.3. Requirements of Supervision.

6.3. A. Supervision of Students. Students who are enrolled in a program of study (as defined in Sections 5.3.B, 5.3.C, 5.4.A of these Rules) shall be supervised in any and all practice of the profession of psychology, in keeping with the rules for training students in the practice of psychology, and shall be the responsibility of the Psychologist supervisor, both site and academic. Supervision of students (as defined in Sections 4.2 and 7.2) shall not be monitored by this Board unless the student is participating in an APA accredited pre-doctoral internship and is provisionally licensed by the Board. The student and approved supervisor shall be required to submit quarterly reports on supervision during the internship program which shall be reviewed by the Board. The Board will report any problems or concerns regarding the supervision to the Director of the Pre-Doctoral Internship Program.

6.3. B. Supervision of Licensed Psychological Examiners.

6.3. B. (1) An annual supervision report, due by June 30 of each year, shall be mandatory for all licensed Psychological Examiners who are engaged in those professional activities that, by law, require supervision. The report shall detail the types of activities in which the supervisee is engaged.

6.3. B. (1) (a) It is the responsibility of the supervisee to see that the annual report is sent to the Board.

6.3. B. (2) The Supervision Report Form shall be designed by the Board to provide the information necessary to monitor the nature of supervision. The following minimal information shall be included:

6.3. B. (2) (a) Supervisee's name and signature.

6.3. B. (2) (b) Supervisor's name and signature.

6.3. B. (2) (c) Frequency and type of scheduled supervision sessions, and nature of supervision contacts, whether individual, group, telephone, or correspondence.

6.3. B. (2) (d) Total number of hours of supervision per type of contact as defined in (c) above.

6.3. B. (2) (e) Periods of supervision covered in the report.

6.3. B. (2) (f) Description of the nature of unscheduled supervision and contact of supervisor with supervisee.

6.3. B. (2) (g) Description of supervisee's general functions being supervised.

6.3. B. (2) (h) Description of any specific areas covered in the supervision process, e.g., expanding practice, etc.

6.3. B. (3) Any change of status in the supervisory relationship must be reported in writing by the supervisee to the Board within ten (10) working days of the change of status.

6.3. B. (4) The Board recognizes that, under all circumstances, the variability of practice, level of professional skill, and

personal/professional characteristics of the Psychological Examiner is such that individually tailored supervision is necessary. The specific content of the supervised procedures shall be worked out between the individual supervisor and the Psychological Examiner and shall ensure the rights and promote the welfare of the public of the State of Arkansas. Psychological Examiners can practice psychoeducational evaluation and diagnosis without supervision. However, A.C.A. §17-97-102 requires supervision of Psychological Examiners for "overall personality appraisal or classification, personality counseling, psychotherapy, or personality adjustment techniques." Supervisors are responsible for all these services provided by Psychological Examiners under their supervision, whatever the method of documentation of personality evaluations and treatment plans. Co-signature is one option for documenting this relationship and supervision.

6.3. B. (5) As required by law, when inquiry is made, users of the Psychological Examiner's services shall be informed when services provided are supervised.

6.3. C. Supervision of Provisional Licensure Applicants. (See also Section 5.5. E)

6.3. C. (1) All services provided by a Provisionally Licensed Psychologist must be supervised by a qualified Psychologist, unless they are a candidate for licensure via reciprocity. The licensed Psychologist who provides supervision for the applicant will be clinically and professionally responsible for the work of the supervisee. The supervisor shall be accessible to the supervisee at any point during the supervisory relationship. The supervisor's relationship with the supervisee shall be separate from that of a consultant, who may be called in at the discretion of the applicant. The consultant will have no clinical or professional accountability for the services provided or for the welfare of the client/patient/consumer.

6.3. C. (2) Public announcement of services and fees, and contact with the lay or professional community shall be offered only in the name of the supervising Psychologist. Titles of applicants must clearly show their provisional licensure status.

6.3. C. (3) Users of the Provisionally Licensed Psychologist's services shall be informed of his/her status, and shall be given specific information about his/her qualifications and functions.

6.3. C. (4) Clients/patients/consumers shall be informed that they may meet with the supervising Psychologist at their request or at the request of the service provider or the supervisor.

6.3. C. (5) Setting and receipt of a fee shall remain the sole responsibility of the employing agency or supervising Psychologist.

6.3. C. (6) All written professional reports and communications shall be countersigned by the supervising Psychologist.

6.3. C. (7) The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

6.3. C. (8) An ongoing record of supervision shall be maintained that details the types of activities in which the Provisionally Licensed Psychologist is engaged, the level of competence in each, and the type and outcome of all procedures.

6.3. C. (9) Supervision Report Forms from the supervising Psychologist shall be mandatory during the period the applicant is practicing psychology without a license. These reports shall be the joint responsibility of the supervisor and the supervisee. These reports shall be submitted to the Board on a quarterly basis, with a minimum of one report made available to the Board prior to the ~~Oral~~ **Review**/Examination. These reports will be reviewed by the Board. Review responses shall be given to the supervisor and the supervisee as necessary to assure the Rules of this Board are fulfilled.

6.3. D. Supervision of Licensed Professionals Who are Expanding Their Practice of Psychology

6.3. D. (1) Licensed individuals may expand their Statement of Intent to practice psychology in the State of Arkansas through continuing education, or academic training, plus further supervised practice, or as otherwise permitted by law or rule.

6.3. D. (2) Supervision of those who wish to expand their Statement of Intent must meet all general requirements of supervision as set forth in these Rules (Section 6.3. C.).

6.3. D. (3) Credentialing for expansion of the Statement of Intent to practice psychology must meet the credentialing requirements as

established by the Board which are set for in the application process (Section 5).

6.3. E. Supervision of Technicians: The Psychologist shall employ the guidelines for supervision outlined in A.C.A. §17-97-401 et seq in supervision of persons employed as Technicians. Failure to follow said guidelines in supervisory activities shall be considered a violation.

6.3.E. (1) Psychologists supervising Technicians shall submit a Supervision Report for each Technician employed each year with the renewal of the Technician's registration in the form and format prescribed by the Board including, but not limited to, the following minimal requirements:

- (1) A list of specific job duties of the Technician
- (2) Annual Performance Evaluation of the Technician
- (3) Evidence of one (1) hour Ethics training
- (4) A statement as to the level of Supervisory contact including frequency and time.
- (5) A list of training received by the Technician during the past year.

6.4. Board Review.

Failure of the supervisee or supervisor in the supervisory relationship to comply with these requirements and responsibilities shall be subject to Board review and possible disciplinary action pursuant to A.C.A. § 17-97-310.

SECTION 7. PRACTICE WITHOUT LICENSE PROHIBITED.

7.1 General.

When the Board is made aware of a violation or possible violation of Section A.C.A. §17-97-301 or § 17-97-307, a registered letter with a return receipt requested shall be mailed to the individual in question, calling to his/her attention the pertinent aspects of the law and the Rules of the Board. ~~If the individual continues the verified illegal practice, In addition to the letter,~~ the information shall be forwarded to the appropriate law enforcement authorities for legal action upon an affirmative vote for referral by the Board. Upon conviction he/she shall be fined not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000).

7.2. Students.

Psychology students, psychological interns, and others preparing for the profession of psychology shall use titles that clearly indicate their training status such as "Psychology Intern." Psychology students, psychological interns and others preparing for the profession of psychology are defined as those who are rendering services as part of their training in an integrated, organized sequence of graduate level course work.

7.3. Provisional Licensure

7.3.A. Applicants have up to an eighteen (18) month grace period to practice psychology under qualified supervision beginning with notification of provisional licensure status. The period allows an applicant to complete the written and oral examinations and obtain licensure, while involved in supervised practice in the profession of psychology. The provisional licensure status shall not be renewed beyond a period of three (3) years. Any provisionally licensed applicant who does not pass the examination within three (3) years may not continue to practice psychology under supervision. Any individual who continues to practice psychology beyond the approved three (3) year period, is in violation of A.C.A. § 17-97-101, et seq. and may be subject to appropriate legal action.

7.3.B. A provisional license issued to a psychology intern participating in an American Psychological Association (APA)-accredited pre-doctoral internship program shall only be valid while the intern is an active participant in the program.

7.4. Provisional License.

The Board shall issue a provisional license to an applicant who has:

7.4. A. Satisfied the preliminary requirements of A.C.A. §17-97-302 and §17-97-303; and

7.4. B. Paid the fee for a provisional license. A provisional license holder is entitled to practice psychology under supervision of a Psychologist to meet the requirements for issuance of a license under A.C.A §17-97-305. The Board shall adopt rules that apply to provisional license holders identifying:

7.4. B. (1) The activities that holders may engage in; and

7.4. B. (2) Services that may be provided by holders.

7.4. C. The Board may refuse to renew the provisional license of a person who does not meet the requirements prescribed by A.C.A. § 17-97-302 or 1797-303.

7.4. D. The Board shall not renew the provisional license of a person beyond a period of three (3) years.

7.4. E. The Board shall not renew the provisional license issued to a psychological intern participating in an American Psychological Association accredited internship program upon completion or termination of the intern's participation in the program.

7.4. E. (1) Time spent as a provisional licensee under Section 7.4. E. shall not count toward the three (3) year period to practice as a postdoctoral provisional licensee referenced in Section 7.4. D.

7.5. Provisional License Application.

7.5. A. An applicant for a provisional license must:

7.5. A. (1) Apply on forms prescribed by the Board; and

7.5. A. (2) Submit the required fees with the application.

7.5. A. (3) The Board may require that the applicant verify the application.

7.5. B. Provisional license qualifications:

7.5. B. (1) An applicant may be granted a provisional license if the applicant has received:

7.5. B. (1) (i) A doctoral degree in psychology from a regionally accredited educational institution; or

7.5. B. (1) (ii) A doctoral degree in psychology, or the substantial equivalent of a doctoral/master's degree in psychology in both subject matter and extent of training from a regionally accredited educational institution;

7.5 B. (1) (iii) acceptance into an APA-accredited pre-doctoral internship program.

7.5. B (1) (iii) (a) A psychology intern seeking licensure under Section 7.5 B.(1)(iii) must provide the Board a letter from the internship program director confirming their acceptance into the program.

7.5. B. (2) Has attained the age of majority;

7.5. B. (3) Is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the Board.

7.5. B. (4) Is not afflicted with a mental or physical disease or condition that would impair the applicant's competency to provide psychological services;

7.5. B. (5) Has not been convicted of a felony listed under A.C.A § 173-102(a)..

7.5. B. (6) Does not use drugs or alcohol to an extent that affects the applicant's professional competency;

7.5. B. (7) Has not engaged in fraud or deceit in making the application; and 7.5. B. (8) Has not:

7.5. B. (8) (i) Aided or abetted the practice of psychology by a person not licensed under these Rules in representing that the person is licensed under these Rules;

7.5. B. (8) (ii) Represented that the applicant is licensed under this chapter to practice psychology when the applicant is not licensed; or

7.5. B. (8) (iii) Practiced psychology in this state without a license under this chapter or without being exempt under this chapter.

7.5. C. In determining under A.C.A § 17-97-302(b)(1)(B) whether a degree is substantially equivalent to a doctoral degree in psychology, the Board shall consider whether at the time the degree was conferred, the program met the prevailing standards for training in the area of psychology, including standards for training the clinical, school and industrial counseling.

7.6. Employment of Individuals Not Licensed by this Board.

7.6. A. Individuals Licensed in Another Profession.

Psychologists/Psychological Examiners may employ or utilize individuals who are licensed members of another profession to provide only activities or services permitted by the applicable license or licenses held by that individual. These services and activities may not be described or represented to the patient or client as psychological services and the individual must be clearly identified to the patient or client as a licensee of the applicable profession who is providing services pursuant to that individual's license.

7.6. B. Unlicensed, Non-Exempt Individuals. Psychologists/Psychological Examiners may employ unlicensed, non-exempt individuals to perform services which do not constitute the practice of psychology or the activities and services of another licensed profession as specified in A.C.A. §§17-97-102 and 17-97-103. Such duties of employment may include:

7.6. B. (1) Secretarial and other clerical duties.

7.6. B. (2) Non-psychometric data gathering.

7.7. Employment of Technicians.

7.7. A. General Terms and Definitions. A "Qualified Psychologist for the purpose of the registration of Technicians" shall be a doctoral level Psychologist licensed by the Board to practice in the area of neuropsychology having supervision privileges also approved by the Board.

7.7. A. (1) The Arkansas Psychology Board shall maintain and update a Registry of all Technicians and Psychologists who use Technicians. All Technicians shall be registered with the Arkansas Psychology Board and function under the license of a qualified supervising Psychologist in the practice of neuropsychology per Board-approved statement of intent. It is the intent of these rules to register with the Board all those individuals who function as paraprofessional Technicians to assist with data gathering for purposes of neuropsychological testing. Act 1262 of 2005 restricts the use of Technicians to neuropsychological evaluations under the supervision of qualified and licensed Psychologists.

7.7. A. (2) The supervising Psychologist is legally responsible for all work performed by the Technician. A Psychologist, who is not authorized to supervise and perform neuropsychological testing, as determined by the Arkansas Psychology Board, shall not be considered qualified or permitted to register or supervise Technicians

7.7. A. (3) A person shall be identified to the public as a "Technician" only when he or she is duly registered and supervised by a licensed Psychologist who has been authorized by the Board to provide Neuropsychological services. The registered status of the Technician is the responsibility of a qualified Psychologist, and is not the privilege of the individual identified as a Technician

7.7. A. (4) If a Psychologist supervises a Technician who previously was registered by another Psychologist, the current Psychologist must submit the appropriate registration with the Board to reflect the change in supervisors.

7.7. A. (5) In cases where a Technician is supervised by more than one qualified Psychologist then each Psychologist shall comply with all Registration and Supervision requirements.

7.7. A. (6) Technicians may be employed only by qualified supervising Psychologists in the practice of or by entities that have employed licensed Psychologists to provide neuropsychological services. Technicians may not be supervised by anyone other than a qualified supervising Psychologist.

7.7. A. (7) Individuals employed as Technicians may only be employed for neuropsychological testing and shall be restricted to the administration and scoring of standardized objective tests they have been trained to conduct.

7.7. A. (8) Individuals employed as Technicians may not administer or score projective tests.

7.7. B. Educational Requirements. College level educational coursework required of Technicians should be from an accredited institution with a recognized and organized program in psychology. All Technicians and supervising Psychologists shall meet the formal educational standards as required by A.C.A. §17-97-101, et. seq., including those requirements related to Technicians as contained in §17-97-401 which include:

7.7. B. (1) A bachelor's degree from a regionally accredited institution, preferably with a major in psychology.

7.7. B. (2) Passing grades in college courses in abnormal psychology, personality, psychological statistics, and psychological testing/tests

and measurement. For purposes of this section of the Rules, the term “Psychological Testing” means, at a minimum, a course in Psychological Test and Measurement. A course in Individual Tests of Intelligence taught in an accredited undergraduate program is also acceptable.

7.7. B. (2) (a) For the purposes of these Rules a “passing grade” means a “C” in a letter grading system; a “Pass” in a pass/fail system; or “Satisfactory” in a satisfactory/unsatisfactory grading system.

7.7. B. (3) Technicians who have completed degrees with non-psychology majors shall have completed passing grades in the coursework specified in 7.7.B (2).

7.7. B. (4) Technicians shall meet the educational requirements of A.C.A. § 17-97-401 and be registered with the Arkansas Psychology Board before engaging in testing services to the public.

7.7. B. (5) Individuals may not function as Technicians while completing required college courses.

7.7. C. Responsible Agent.

7.7. C. (1) The qualified Psychologist(s) under whose license the Technician functions shall register the Technician.

7.7. C. (2) Psychologists attempting to register who are judged by the Board to lack required coursework will be notified by the Board that the individual is not qualified and will not be registered until the individual meets the requirements contained in Act 1262 of 2005.

7.7. D. Training.

7.7. D. (1) The supervising Psychologist shall document the dates and setting in which additional and specific training of the Technician was provided.

7.7. D. (2) The supervising Psychologist shall list all procedures and tests on which the Technician has been trained, and include the date(s) the Technician was judged to be competent to administer and score those procedures and tests.

7.7. D. (3) The supervising Psychologist is responsible for providing the Board annual documentation that the Technician has completed at least one hour (1) of continuing education in professional/psychological ethics.

7.7. E. Confidentiality and Professional Obligations to the Public.

7.7. F. (1) The supervising Psychologist is responsible for maintaining confidentiality of all records consistent with A.C.A. §§ 17-97-101 et seq, the Rules of the Arkansas Psychology Board, Federal HIPPA requirements and the APA Code of Ethics.

7.7. F. Registration Procedures

7.7. F. (1). Technicians must be registered with the Board on the appropriate form(s) supplied by the Board. All Technicians shall complete a criminal background check as described for licensed Psychologists and Psychological Examiners under A.C.A. § 17-97-102.

7.7. F. (1) (a) The use of non-registered Technicians is considered a violation of this law and the violating Psychologist shall be held accountable.

7.7. F. (1) (b) Failure to submit proper registration forms for any Technician before that Technician is allowed to work with the public shall constitute a violation of law and shall subject the supervising Psychologist to fines or other penalties imposed by the Board.

7.7. F. (2) First-time registration of each Technician will include submission of all documentation required by Act 1262 of 2005.

7.7. F. (3) Renewal of Registered Technicians shall occur annually simultaneous with the renewal of their qualified supervising Psychologist.

7.7. F. (4) Psychologists shall notify the Board in writing whenever he or she no longer supervises a Technician.

7.7. F. (5) Psychologists who were supervising Technicians at the time Act 1262 of 2005 became effective shall indicate on the registration form(s) whether the Technician(s) is/are being duly registered under provisions of the grandfathering clauses of the Act. Technicians(s) shall be eligible to be considered duly registered under

the grandfathering clause of the Act only if they were trained and supervised by a qualified Psychologist prior to August 12, 2005. Persons who began their employment as a Technician after August 12, 2005 are not eligible to be grandfathered and must meet all educational requirements prescribed by the Act, specifically regarding the Criminal Background Checks.

7.7. F. (6) Licensed Psychologists who are not licensed to provide neuropsychological services shall not be permitted to register or supervise Technicians. Psychologists with supervisory credentials, but who are not licensed by the Board to provide neuropsychological services, may not submit the registration form(s) for Technicians as defined by these Rules.

SECTION 8. EXAMINATION OF APPLICANTS.

8.1 General.

Examination of applicants includes formal examination of academic, personal, and experience credentials and a written examination. This multilevel examination process is designed to screen applicants for the practice of psychology in the State of Arkansas so that the public is protected according to the law under which the Board functions. Furthermore, it assures that applicants for licensure in the profession of psychology meet the minimum standards for the professional practice of psychology.

8.2 Admission to the Examination.

Any applicant whose credentials have been approved by the full Board, and who has paid the required examination fee, shall be admitted to the written examination.

8.3 Written Examination.

Applicants are required to take the nationally recognized standardized professional practice examinations as developed by the Association of State and Provincial Psychology Boards (ASPPB) to assess the applicant's range of knowledge and skills as adopted by the Board. The purpose of the examination is to assess the applicant's range of knowledge of recognized psychological principles and techniques, and knowledge of the ethics of the profession of psychology. The Board retains the right to utilize additional examinations to allow applicants to demonstrate their range of understanding of principles, techniques, statutes, and ethical concerns which relate to the intended practice of psychology within the State of Arkansas.

8.3. A. Frequency of Examination. The written examination shall be offered no less than twice a year.

8.3. B. Notification of Results. The applicant shall be notified of the results of the examination, reflecting a “pass” or “failure to pass.” Passing scores will be set in accordance with the standards of the Association of State and Provisional Psychology Board (ASPPB).

8.3. B. (1) Failure to pass.

8.3. B. (1) (a) Petition for Extension of Provisional Licensure Status. An applicant who fails to pass the examination within eighteen (18) months of being granted provisional licensure status may submit a formal written request to the Board for an extension of provisional license status for an additional eighteen (18) months. The Board shall determine whether to grant or refuse this request.

8.3. B. (1)(b) If the applicant does not pass the examination by the end of the second eighteen (18) month period, the provisional license shall not be renewed by the Board, and the applicant may not continue to practice psychology under supervision.

8.3. B. (1)(b)(i) An individual whose provisional licensure eligibility has expired may petition the Board to retake the examination.

8.3. B. (1)(b)(ii) If the Board does grant the petition of an applicant listed in B. (1)(b)(ii), that does not make them eligible for any further extension of a provisional license.

8.4. Applicants with Disabilities.

The Board shall provide all reasonable accommodations to applicants with disabilities in all aspects of the application process consistent with the Americans with Disabilities Act.

SECTION 9. CONTINUING EDUCATION.

9.1. License Holders

License holders must meet the following minimum continuing education (CE) requirements to renew their licenses to practice psychology in the State of Arkansas.

9.1. A. Each licensee must complete a minimum of twenty (20) hours of (CE) activity during each license renewal period, of which three (3) hours are to be ethics hours. The defined accrual period is July 1 through June 30 each year. CE hours shall not be obtained exclusively by home study or online means. For this purpose, the Board allows licensees to distribute activities among the following:

9.1. A. (1). Professional activities relevant to the practice of psychology include:

9.1. A. (1) (a). Any educational experience approved by American Psychological Association (APA).

9.1. A. (1). (b). In-person or online training provided by a qualified professional from state and/or nationally recognized professional organization, i.e., the American Medical Association, the National Association of Social Workers, the American Counseling Association, etc.

9.1. A. (1). (c) In-service training programs related to the practice of psychology and having a demonstrable psychological content. In-services with psychological content that are given at the professional's place of employment may not account for more than ten (10) CE hours except where the place of employment is an accredited training program, i.e., APA accredited doctoral, internship, or post-doctoral fellowship programs.

9.1. A. (1) (d) Formal academic coursework of at least three credit hours related to the development or maintenance of skills related to the practice of psychology. Courses must be taken at a regionally accredited academic institution. Both undergraduate and graduate course work will be acceptable. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (e) Developing and teaching a new course at a regionally accredited academic institution. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (f) Publishing a peer-reviewed journal article, scholarly book, or research monograph in an area of behavioral science. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (g) Preparing and presenting a first-time poster, workshop, or in-service training at the local, state, or national level. Activities in this category may not account for more than five (5) CE hours.

9.1. A. (1) (h) Attendance at Board meetings by licensees may account for up to one (1) ethics hour per meeting. Activities in this category may not account for more than five (5) CE hours.

9.1. A. (1) (i) Home study programs, i.e., from scholarly journals or books, that are approved by the American Psychological Association or other relevant professional organizations. Such programs must include an examination and provide a certificate of completion. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (j) Volunteer hours accrued under the Arkansas Volunteer Health Care Act A.C.A 20-8-801, et. seq. Activities and hours limitations are to be governed by the provisions of the Act.

9.1. A. (3) Activities that are not acceptable for meeting the CE requirement include:

9.1. A. (3) (a) Supervision where required for routine licensure purposes.

9.1. A. (3) (b) Reading books or journal articles.

9.1 A (3) (c) Writing newsletters or non-peer-reviewed articles.

9.1. A. (3) (d) The Board reserves the right to determine whether any particular CE experience meets Board standards.

9.1. B. Reporting Requirements. It is the responsibility of the licensee to provide to the Board office, upon request, acceptable documentation of CE activities within thirty (30) calendar days. Acceptable documentation includes certificates of attendance, transcripts, and/or other official documentation.

9.1. C. The Board will conduct a random audit of licensees CE compliance each year. The Board may deny renewal or take other disciplinary action against a licensee who fails to obtain or document the required CE hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding reporting of CE hours.

If, upon the request of the Board, a licensee fails within thirty (30) calendar days of the request, to provide evidence of CE activity, a late fee of \$50 will be assessed for the first failure to provide the requested documentation of CE hours. Licensees who fail to provide valid documentation of CE may be subject to additional discipline by the Board.

9.1. D. A licensee who cannot meet the CE requirement, for good cause, may seek an extension of time to complete the CE requirement by submitting a written explanation of their circumstances and the license renewal fee to the Board, for determination.

9.1.D. 1. Good cause is limited to licensee illness, family illness, natural disaster, military service and/or residence in a foreign country for at least twelve (12) months of the license renewal period.

9.1.D. 2. The Board shall not grant a time extension longer than one (1) year, except in the case of extended military service..

9.2. Exception to the Requirement.

9.2.A The CE requirement will be waived for licensees who have been licensed in the State of Arkansas less than one (1) calendar year on the due date (June 30).

9.2.B Persons with voluntarily inactive licenses shall not be required to accumulate CE during their period of inactivity. However, those persons wishing to re-activate their license must provide evidence of having completed twenty (20) CE hours during the previous license year.

SECTION 10. LICENSURE UNDER SPECIAL CONDITIONS.

10.1. Acceptance of Written Examination Scores.

If an applicant meets all requirements for application for licensure in the State of Arkansas, the Board shall accept scores for examinations administered elsewhere if the score meets or exceeds the cut-off point for the State of Arkansas at the time of the examination. It is the responsibility of the applicant to furnish the Board, via the State Board which administered the examination or other acceptable score registration agency, the form of the written examination, statistical data for the national mean and standard deviation, and the applicant's individual score on that examination.

10.2. Reciprocity.

Currently, most other jurisdictions that have reciprocity agreements with the Arkansas Board require one year of supervised postdoctoral experience. The Board will provide record keeping and documentation of this supervised postdoctoral experience for applicants interested in applying for license to practice in other jurisdictions. An applicant for a reciprocal license must apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check. An applicant for whom the information from the Identification Bureau of the Arkansas State Police reveals that the applicant has pleaded guilty or nolo contendere to, or been found guilty of, any offense listed in A.C.A. § 17-3-102(a) shall not be eligible for licensure. A licensee deemed so ineligible may appeal this action through the process identified in Section 12.2.

10.3 Reciprocal Licensure for ~~Active-Duty Military~~ Uniformed Service Members, Returning Veterans, and Their Spouses

10.3.A. Definitions.

10.3.A. (2) As used in this subsection, “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.

10.3.A. (2) As used in this subsection, “~~returning military veteran~~ uniformed service veteran” means a former member of the United States ~~Armed Forces who was Uniformed Services~~ discharged from active duty under circumstances other than dishonorable.

10.3.B. The Board shall grant automatic licensure to an individual who ~~holds a substantially equivalent license in another U.S. jurisdiction is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S.~~ and is:

10.3.B. (1) ~~An active-duty military~~ A uniformed service member stationed in the State of Arkansas;

10.3.B. (2) ~~A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

10.3.B. (3) The spouse of:

- (a) a person under Section 10.3.B. (1) or (2);
- (b) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or
- (c) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

10.3.C. The Board shall grant such automatic licensure upon receipt of all of the below:

10.3.C. (1) Payment of the initial licensure fee, unless waived by the Board;

10.3.C. (2) Evidence that the individual holds a ~~substantially equivalent~~ license with a similar scope of practice in another state; and

10.3.C. (3) Evidence that the applicant is a qualified applicant under Section 10.3.B.(1), (2), or (3).

10.3.D. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

10.3.E. A full/partial exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

SECTION 11. SUSPENSION OR REVOCATION OF LICENSURE

11.1. General.

Individuals who have gained skills in the area and practice of psychology have a right to free trade within these United States, unless judged incapable of carrying on these practices. To that end, the Board utilizes a habilitation and rehabilitation approach to the judicial functions assigned to it by A.C.A. § 17-97-101, et seq.

11.2. Suspension.

Should the Board suspend the license of an individual, that individual shall be given a specific period of time of license suspension. The Board shall establish with the individual, a plan of action that ensures ethical and professional principles shall not be violated in the individual's reestablished practice.

11.3. Refusal to License.

Should the Board refuse to license any individual on the basis of any factors listed in A.C.A. § 17-97-101, et seq., a rehabilitation plan shall be developed and successful completion of the plan shall permit re-application. If refusal to license or register is based upon results of a criminal background check pursuant to A.C.A. § 17-3-102(a) or (e), the license or registration may be granted only upon waiver by the Board of the conviction. ~~Any applicant for license or registration who has plead guilty, nolo contendere, or been found guilty of a permanently disqualifying offense listed in A.C.A. § 17-3-102(e) shall not be eligible for licensure or registration.~~

11.4. Revocation.

Should the Board revoke the license of any individual on the basis of factors listed in A.C.A. § 17-97-101, et seq., the individual may apply for reinstatement according to Section 5 of these Rules.

11.5. Alternate Discipline.

In lieu of suspension or reprimand, the Board may issue a letter of reprimand and/or designate remedial action such as additional training, supervised experience or both.

11.6. Basis of Suspension, Refusal, Revocation, Fine, Letter of Reprimand or Additional Education - Grounds - Reinstatement.

Pursuant to A.C.A. § 17-97-101, et seq., the Board may suspend, refuse, or revoke a license for a period to be determined by the Board, may impose a fine of up to five thousand dollars (\$5,000.); may issue a letter of reprimand; and/or may require additional hours of education of a licensee on the following grounds:

11.6. A. Fraud or deception were employed in applying for a license or in passing the examination(s) provided for in A.C.A. § 17-97-101, et seq.

11.6. B. Conviction of an offense as stated in A.C.A. § 17-97-302(a).

11.6. C. The practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name.

11.6. D. Substance abuse to such an extent as to incapacitate him/her from the performance of his/her duties.

11.6. E. Violation of Medical Practices Act, A.C.A. § 17-93-201, et seq.

11.6. F. Practice of a level of psychology inappropriate to the license held by the licensee.

11.6. G. Negligent or wrongful actions in the performance of his/her duties such as, but not limited to, violation of standards of supervision or providing services outside of qualifications to practice.

11.6. H. Violations of the current ethical code.

11.6. I. Violations of A.C.A. § 17-97-101, et seq, or the Rules of the Arkansas Psychology Board.

11.6. J. Disciplinary action taken by a Distant or Receiving State against an Arkansas Home State licensee under provisions of Psypact.

11.6. K. Revocation of the E.Passport under Psypact.

11.7. Revocation shall result in surrender of the licensee's certificate.

11.8. Criminal Background Check Results

If suspension, refusal to license or revocation is based upon the results of a criminal background check pursuant to A.C.A. §17-97-312(f) and 17-3-102 or other determination that the licensee has been convicted, plead guilty or nolo contendere to a disqualifying offense found at A.C.A. § 17-3-102(a) or (e) and said offense has not been expunged, sealed or pardoned, licensure may be granted or renewed only upon waiver by the Board of the disqualification under the provisions of Section 5.5.C. (2) of these Rules.

~~Any applicant for licensure or renewal who has plead guilty to, nolo contendere, or been found guilty of a permanently disqualifying offense shall not be eligible for licensure or renewal of licensure. Permanently disqualifying offenses are found at A.C.A. §17-3-102(e).~~

11.9. Public Dissemination.

When a sanction ordered by the Board becomes final under the Administrative Procedures Act (A.C.A. § 25-15-101 et seq.), such information shall be publicly disseminated, including a posting on the Board's Newsletter or website. The posting shall include the licensee's name, a citation of the law(s) or statute(s) violated, a brief description of the findings of fact, and a description of the sanction.

Sanctions shall also be reported to the Psychological Interjurisdictional Compact Commission under the provisions of Psypact.

11.10. Discipline Under Psypact.

When practicing in Arkansas under either a Temporary Authorization to Practice Interjurisdictional Psychology or Authority to Practice Interjurisdictional Telepsychology, a psychologist from another Psypact member state is to abide by the laws and rules of this Board, including scope of practice. Violation of any law or rule may result in discipline by this Board against either the Temporary Authorization to Practice or Authority to Practice Interjurisdictional Telepsychology. Any disciplinary action taken shall be reported to both the Psychological Interjurisdictional Compact Commission and the psychologist's home state licensing authority.

11.11. Arkansas Licensees Practicing in Distant or Receiving States Under Psypact.

An Arkansas licensee practicing in another state under Psypact's Temporary Authority to Practice Interjurisdictional Psychology to Practice Interjurisdictional Telepsychology shall be subject to that state's laws and rules, including scope of practice. Any disciplinary action taken by a Distant or Receiving State against an Arkansas licensee shall be reported to this Board and may result in additional discipline.

SECTION 12. SUSPENSION, REFUSAL, OR REVOCATION OF LICENSE: JUDICIAL REVIEW

12.1. Complaint/Ethics Investigations

12.1. A. Any Complaint/Ethics Investigator, whether a Board member, Board employee, or independent contractor, appointed by the Board to conduct an investigation of a particular complaint, shall be free of any prejudicial conflict of interest relating to the complainant, the respondent, and/or the subject matter of the complaint in order to foster unbiased, impartial data gathering

and recommendations making. Should a prejudicial conflict exist or arise for the investigator that would adversely impact fairness of the investigation process, he/she shall recuse from the case or matter unless the parties should mutually waive that recusal option and permit the investigator to continue pursuit of the investigation. In the event of an investigator's recusal, the Board or its designee will then appoint an alternate investigator for that matter or case. The existence of a conflict may be raised by the investigator, any Board member, administrative staff, and/or any party to the complaint or matter needing investigation. Should a dispute arise regarding the validity of a conflict allegation and/or its prejudicial character requiring a recusal, the members of the Board's Complaints Committee, excepting the investigator with the alleged conflict, shall by majority vote make that determination, with any "tie" in that determination procedure resulting in that determination being referred to the Board for resolution.

12.1. B. Unless otherwise waived by a potential respondent, any respondent who is licensed by the Board or is an applicant for licensure is entitled to expect that the allegations and facts of the complaint or investigated matter are subject to review by at least one member of the Complaints/Ethics Committee or its selected consultant who possesses qualifications and/or experience that is substantially comparable to, or greater than, that of the investigated respondent. It shall be presumed that a Psychologist respondent would necessitate another Psychologist to serve in that reviewing capacity, while a Psychological Examiner would require either a Psychologist or Psychological Examiner in that role. It is further assumed that, due to the generic nature of the Board's licenses (i.e., without specialty licenses), any licensed Psychologist can serve that requirement of a reviewing role as being in possession of qualification and/or experience comparable to that of the typical respondent unless the nature of the complaint's allegations clearly and convincingly raise an issue that a unique and highly specialized body of knowledge and/or practice or procedure is involved in the matter and therefore the matter or complaint requires a reviewing professional to possess even a greater degree of comparability in qualification and/or experience to that of the respondent. It shall be the Complaints/Ethics Committee's responsibility to determine the existence of that required substantial comparability of at least one reviewing member or consultant.

12.2. Procedures for Judicial Review.

Procedures for judicial review shall be in accordance with the Administrative Procedure Act (A.C.A. § 25-15-101, et seq.)

12.3. Notice of Charges.

The Board may not recommend suspension or revocation of licensure or refuse to issue or to renew any certificate for any cause listed herein, or any other penalty described in A.C.A. § 17-97-310 affecting a certificate or license until the person accused has been given at least 20 days notice in writing by registered mail, with a return receipt requested, of the charges against him/her and an opportunity for a public hearing by the Board has been held. The written notice shall be mailed to the person's last known address. Non-appearance of the person shall not prevent the hearing.

12.4. Issuance of Subpoenas.

In the event of a public hearing, the Board may administer oaths and procure by its subpoenas the attendance of witnesses and the production of relevant documents.

12.5. Judicial Review.

Any action of, or ruling or order made or entered by, the Board declining to issue a certificate, declining to recommend licensure, or recommending suspension, revocation of or other penalty described in A.C.A. § 17-97-310 which affects a certificate or license shall be subject to review pursuant to the Administrative Procedures Act, A.C.A. § 25-15-201 et seq.

SECTION 13. FEES

13.1. License Fee.

License fees shall be set by the Board and shall reflect actual and projected costs of the administration of the Board. All fees are subject to change, and shall never be retroactive.

13.2 Application Fee.

The Board shall charge a \$200.00 application fee of any applicant for licensure.

This fee shall be paid in advance for an applicant to receive the application package.

13.2.A. Application fees for the following individuals may be waived at the discretion of the Board:

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 13.2.A.1. or 2.

13.2.B. The Board shall waive the application fee if the applicant:

1. Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
2. Was approved for unemployment within the last twelve (12) months; or
3. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

13.3. Registration Fee.

The Board shall charge a license registration fee of \$200.00 plus a pro-rated annual license fee for all individuals approved for licensure. The fee must be received by the Board prior to date of licensure.

13.4. Provisional License Fee.

The Board shall charge a \$100.00 fee for six (6) months or less of supervised practice as a provisional licensure applicant. This fee is renewable consistent with extensions of time for practice and is due upon approval by the Board.

13.4. A. The Board shall charge a late fee of \$50.00 for late payment for renewal of a Provisional License.

13.5. Annual License Renewal Fee.

The Board shall charge an annual License Renewal Fee of up to \$300.00 per A.C.A. § 17-97-309(c). The amount will be regulated by the Board in accordance with budgetary needs. There shall be no pro-rated renewal fees.

13.6. Delinquent Payment of License Renewal Fee.

The Board shall charge an additional \$100.00 fee for delinquent license renewal. This fee is due prior to renewal of license to practice psychology.

13.7. Inactive Status.

The Board shall charge a fee of one half the current renewal fee to place a license on Inactive Status. In the event the license is reactivated, twenty (20) CE hours from the previous year must be submitted to the Board proving the licensee has kept up with current standards. The Board will consider the circumstances of the licensee's inactive status at the time of reinstatement to full licensure, ~~and may require an oral examination if deemed necessary.~~

13.8. Administrative Fees.

The Board shall charge the following administrative fees which are considered necessary in the performance of the Board's duties:

13.8. A. Photocopying, per page	\$ 1.00
13.8. B. Service Charge on Returned Check	\$ 20.00
13.8. C. Replacement of Returned Check	\$ 20.00
13.8. D. Mailing Lists	\$100.00
13.8. E. Delinquent CE Penalty	\$ 50.00

SECTION 14. ANNUAL RENEWAL.

14.1. Renewal Fee.

An annual renewal fee shall be set by the Board. This fee is subject to change.

14.2. Annual Renewal.

The Board has established that annual renewal fees and application for renewal for license are due on or before July 1 of each calendar year. Should the annual renewal time be changed, such change will be consistent with the requirements of the Administrative Procedures Act.

14.2. A. Application for annual renewal of the license of a Psychologist or Psychological Examiner will not be considered if the applicant has not

supplied forty (40) hours of continuing education for the previous biennium (twenty-four [24] months).

14.2. B. All programs of continuing education for licensees shall be subject to approval of the Board. The Board is authorized to prescribe by rule the minimum standards and requirements for continuing education programs for licensees, the procedures and policies for administering such programs, and the manner and conditions under which credit will be granted for participation in such programs.

14.3. Criminal History Check.

A licensee or registrant whose criminal history check from the Identification Bureau of the Arkansas State Police reveals that the applicant has pleaded guilty or nolo contendere to or been found guilty of any offense listed in A.C.A. § 17-3-102(a) or (e) shall not be eligible for renewal unless the reported offense has been expunged, sealed, or pardoned. ~~If the offense is from the list in A.C.A. § 17-3-102(e), it shall result in permanent disqualification.~~ A licensee or registrant may apply to the Board for a waiver of disqualification pursuant to Section 5.5.C (2) of these Rules for the conviction of any listed offense ~~not subject to permanent disqualification.~~ A licensee deemed so ineligible may appeal this action through the process identified in Section 12.2.

14.4. Penalty/Reinstatement.

Failure to apply for and pay the license renewal fee by July 1 shall result in suspension of the license as long as the application and fee are delinquent. Reinstatement of suspended license shall automatically occur at the time the registration fee plus the delinquent renewal fee (Section 13.7) are paid.

14.5. Revocation of License.

If any licensee fails for three (3) consecutive years to pay the fee, then it shall be the duty of the Board without hearing or notice cancel his or her license, subject to reinstatement. If application for reinstatement is made, the Board shall consider the moral character and professional qualifications of the applicant as in the case of an original application.

SECTION 15. PRIVILEGED COMMUNICATIONS.

15.1. Confidentiality.

Relations and communications between a licensed Psychologist or Psychological Examiner and the client are considered to be confidential on the same basis as

those provided by law between attorney and client and are not to be disclosed except as required by law.

15.2. Privileged Communication.

Nothing in these Rules shall be construed to require any privileged communication to be disclosed.

SECTION 16. CODE OF ETHICS.

16.1. The Arkansas Psychology Board adopts the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association as part of these Rules. The principles shall constitute one standard by which appropriate professional practices are determined.

SECTION 17. SEVERABLE PROVISIONS OF THESE RULES.

17.1. Each and every Rule contained herein shall be construed as severable from each other Rule and the lack of constitutionality of any part, as determined by a court of this State, shall not invalidate any other part.

17.2. The Board shall have authority to rectify any error of interpretation, judgment, decision, or policy which fails to adhere to A.C.A. § 17-97-101, et seq. or to the Rules of the Board without invalidating any other portion of the Rules.

17.3. In the case of Board error, any licensee affected because of that error shall be notified and appropriate action taken by the Board.

17.4. Any rule or policy of the Board which is found to be in error, shall be immediately corrected, and notification of just cause shall be given to the appropriate governmental body requesting that the Rule be invalidated, and an appropriate Rule substituted in accordance with the Administrative Procedure Act.

SECTION 18. INTENTION.

18.1. It is intended that the provisions of these Rules be in accordance with and consistent with the Medical Practices Act.

SECTION 19. TELEPSYCHOLOGY

19.1 Minimum standards for establishing psychologist/psychological examiner-patient/client relationships.

A psychologist/psychological examiner exhibits gross negligence if he provides and/or recommends any form of treatment/service, without first establishing a proper psychologist/psychological examiner-patient/client relationship.

19.1.A. For purposes of this rule, a proper psychologist/psychological examiner-patient/client relationship, at a minimum requires that:

19.1.A. (1) The psychologist/psychological examiner performs a history and an "in person" interview of the patient/client adequate to establish a diagnosis and identify underlying conditions and/or contraindications to the treatment/service recommended/provided, OR

19.1.A. (2) ~~The psychologist/psychological examiner performs a face-to-face examination using real time audio and visual telepsychology technology that provides information at least equal to such information as would have been obtained by an in-person interview;~~ The psychologist/psychological examiner has access to a patient/client's personal health record, as defined by A.C.A. §17-80-401 et seq., maintained by a psychologist/psychological examiner and uses any technology deemed appropriate by the psychologist/psychological examiner, including the telephone, with a patient/client located in Arkansas to diagnose or treat the patient/client; OR

19.1.A. (3) The psychologist/psychological examiner personally knows the patient/client and the patient/client's general health status through an "ongoing" personal or professional relationship;

19.1.A. (2) Appropriate follow-up be provided or arranged, when necessary, at necessary intervals.

19.1.B. For the purposes of this rule, a proper psychologist/psychological examiner-patient/client relationship is deemed to exist in the following situations:

19.1.B. (1) When treatment/service is provided in consultation with, or upon referral by, another provider who has an ongoing relationship with the patient/client, and who has agreed to supervise the patient/client's treatment/service, including follow up care.

19.1.B. (2) On-call or cross-coverage situations arranged by the patient/client's treating psychologist/psychological examiner.

19.1.C. Exceptions -- Recognizing a psychologist/psychological examiner's duty to adhere to the applicable standard of care, the following situations are hereby excluded from the requirement of this rule:

1. Emergency situations where the life or health of the patient/client is in danger or imminent danger.
2. Simply providing information of a generic nature not meant to be specific to an individual patient/client.

19.2 Requirement for All Services Provided by Providers using Telepsychology

19.2.A. A Patient/client/Provider relationship must be established in accordance with [A.C.A. § 17-84-401, et. seq. and](#) Rule § 19.1 before the delivery of services via telepsychology. Provider is defined as a person licensed by the Arkansas Psychology Board who has documented training in telepsychology. A patient/client completing a history online and forwarding it to a Provider is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.

19.2.B. The following requirements apply to all services provided by Providers using telepsychology:

19.2.B. (1) The practice of psychology via telepsychology shall be held to the same standards of care as traditional in-person encounters.

19.2.B. (2) The Provider must obtain a detailed explanation of the patient/client's complaint from the patient/client or the patient/client's treating Provider.

19.2.B. (3) If a decision is made to provide treatment/service, the Provider must agree to accept responsibility for the care of the patient/client.

19.2.B. (4) If follow-up care is indicated, the Provider must agree to provide or arrange for such follow-up care.

19.2.B. (5) The Provider must keep a documented record, including history.

19.2.B. (6) At the patient/client's request, the Provider must make available to the patient/client an electronic or hardcopy version of the patient/client's record documenting the encounter. Additionally, unless the patient/client declines to consent, the Provider must forward a copy of the record of the encounter to the patient/client's regular treating Provider if that Provider is not the same one delivering the service via telepsychology.

19.2.B. (7) Services must be delivered in a transparent manner with proper informed consent, including providing access to information identifying the Provider in advance of the encounter, with licensure and board certifications, as well as patient/client financial responsibilities.

19.2.B. (8) If the patient/client, at the recommendation of the Provider, needs to be seen in person for their current issue, the Provider must arrange to see the patient/client in person or direct the patient/client to their regular treating Provider or other appropriate provider if the patient/client does not have a treating Provider. Such recommendation shall be documented in the patient/client's record.

19.2.B. (9) Providers who deliver services through telepsychology must establish protocols for referrals for emergency services.

19.2.B. (10) All Providers providing care via telepsychology to a patient/client located within the State of Arkansas shall:

19.2.B. (10)(a) be licensed to practice psychology in the State of Arkansas; or

19.2.B. (10)(b) be licensed in a Psypact member state and follow all requirements to practice under Psypact's Authority to Practice Interjurisdictional Telepsychology.

19.2.B. (11) Psychologists and Psychological Exainers may use telepsychology to provide group therapy. Telepsychology may not be used for group therapy provided to a child who is eighteen (18) years of age or younger.

Adopted ~~July 3, 2020~~ April 1, 2022

State of Arkansas *As Engrossed: S1/19/21 S1/26/21*
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
By: Representatives Lynch, Cozart, Brown, Evans

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS,
VETERANS, AND SPOUSES ACT OF 2021; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,
returning military veterans, and spouses—Definitions.~~

~~(a) As used in this section:~~

~~(1) “Automatic licensure” means the granting of occupational
licensure without an individual’s having met occupational licensure
requirements provided under this title or by the rules of the occupational
licensing entity;~~

~~(2) “Occupational licensing entity” means an office, board,
commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

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

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

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

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

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

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

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

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

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

~~procedure provide the least restrictive means of accomplishing occupational licensure; and~~

~~(B) Any other criteria the Administrative Rules Subcommittee of the Legislative Council determines necessary to achieve the objectives of this section.~~

~~(e) The Administrative Rules Subcommittee of the Legislative Council may:~~

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

~~(2) Assign information filed with the Administrative Rules Subcommittee of the Legislative Council under this section to one (1) or more subcommittees of the Legislative Council, including without limitation a subcommittee created under subdivision (e)(1) of this section; or~~

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

~~(f) An occupational licensing entity shall:~~

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

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

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

~~(B) Returning military veterans applying within one (1) year of their discharge from active duty; or~~

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

SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an additional chapter to read as follows:

Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

1 (1) The date of its approval by the Governor;

2 (2) If the bill is neither approved nor vetoed by the Governor,
3 the expiration of the period of time during which the Governor may veto the
4 bill; or

5 (3) If the bill is vetoed by the Governor and the veto is
6 overridden, the date the last house overrides the veto.

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9 */s/Hill*

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12 **APPROVED: 2/23/21**
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State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester, B. Johnson, D. Sullivan, C. Tucker, D. Wallace*

By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum, Underwood, Wardlaw*

For An Act To Be Entitled

AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF
2021.

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

SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
to add an additional section to read as follows:

4-25-110. Fee waiver for certain individuals.

(a) Notwithstanding any law to the contrary, the initial filing fees, permit fees, and licensing fees associated with the formation of a business in this state shall be waived for applicants who meet the requirements in the Workforce Expansion Act of 2021, § 17-4-101 et seq.

(b) Appropriate state entities shall:

(1) Publish notice of the fee waiver on:

(A) The website maintained by the appropriate state entity; and

(B) Any relevant forms that an applicant is required to complete; and

(2) Promulgate any necessary rules to implement this section.



1 SECTION 2. Arkansas Code Title 17, is amended to add an additional
2 chapter to read as follows:

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

6 This chapter shall be known and may be cited as the "Workforce
7 Expansion Act of 2021".

8
9 17-4-102. Legislative findings – Purpose.

10 (a) The General Assembly finds that:

11 (1) Entrepreneurs and workers must pay various fees in order to
12 work in a government-regulated profession or occupation or to start a small
13 business in Arkansas;

14 (2) Families trying to break the cycle of government dependency
15 should not have to pay the state to earn a living; and

16 (3) Arkansas should waive initial fees associated with
17 occupational and professional regulations and the formation of a business for
18 low-income individuals.

19 (b) It is the purpose of this chapter to increase access to
20 professional and occupational licenses that would otherwise be cost
21 prohibitive for certain individuals.

22
23 17-4-103. Definitions.

24 As used in this chapter:

25 (1) "License" means a license, certificate, registration,
26 permit, or other form of authorization required by law or rule that is
27 required for an individual to engage in a particular occupation or
28 profession; and

29 (2)(A) "Licensing entity" means an office, board, commission,
30 department, council, bureau, or other agency of state government having
31 authority to license, certify, register, permit, or otherwise authorize an
32 individual to engage in a particular occupation or profession.

33 (B) "Licensing entity" does not include a political
34 subdivision of the state or any other local or regional governmental entity,
35 including without limitation a city of the first class, a city of the second
36 class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.
34

35 /s/Gilmore

36 APPROVED: 4/15/21

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1735

By: Representative Penzo
By: Senator Hester

For An Act To Be Entitled

AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS.

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

SECTION 1. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
to add an additional section to read as follows:

17-1-109. Licensing of certain individuals – Definitions.

(a) As used in this section:

(1) "Occupational or professional license" means a license, certificate, registration, permit, or other form of authorization required by law or rule for an individual to engage in a particular occupation or profession; and

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

(b) An occupational or professional licensing entity shall grant an occupational or professional license under this section to an individual who fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States
2 Citizenship and Immigration Services-issued Employment Authorization
3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)
5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

6
7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall
9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the
11 final rule shall be filed with the Secretary of State for adoption under §
12 25-15-204(f):

13 (A) On or before January 1, 2022; or

14 (B) If approval under § 10-3-309 has not occurred by
15 January 1, 2022, as soon as practicable after approval under § 10-3-309.

16 (2) An occupational or professional licensing entity shall file
17 the proposed rule with the Legislative Council under § 10-3-309(c)
18 sufficiently in advance of January 1, 2022, so that the Legislative Council
19 may consider the rule for approval before January 1, 2022.

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22 APPROVED: 4/19/21
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State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1796

By: Representative Cozart
By: Senator Hill

For An Act To Be Entitled

AN ACT TO AMEND OCCUPATIONAL CRIMINAL BACKGROUND
CHECKS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND OCCUPATIONAL CRIMINAL
BACKGROUND CHECKS.

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

SECTION 1. Arkansas Code § 17-3-102(b)(1), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(b)(1) If an individual has been convicted of a crime listed in
subsection (a) or subsection (e) 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.

SECTION 2. Arkansas Code § 17-3-102(e), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(e) Due to the serious nature of the offenses, the following shall
result in ~~permanent~~ disqualification for licensure, regardless of the date of
conviction or the date on which probation or incarceration ends unless a
waiver is granted under subsection (b) of this section:

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



- 1 (2) Murder in the first degree as prohibited in § 5-10-102 and
2 murder in the second degree as prohibited in § 5-10-103;
3 (3) Kidnapping as prohibited in § 5-11-102;
4 (4) Aggravated assault upon a law enforcement officer or an
5 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
6 felony;
7 (5) Rape as prohibited in § 5-14-103;
8 (6) Sexual extortion as prohibited in § 5-14-113;
9 (7) Sexual assault in the first degree as prohibited in § 5-14-
10 124 and sexual assault in the second degree as prohibited in § 5-14-125;
11 (8) Incest as prohibited in § 5-26-202;
12 (9) Endangering the welfare of an incompetent person in the
13 first degree as prohibited in § 5-27-201;
14 (10) Endangering the welfare of a minor in the first degree as
15 prohibited in § 5-27-205;
16 (11) Adult abuse that constitutes a felony as prohibited in § 5-
17 28-103; and
18 (12) Arson as prohibited in § 5-38-301.

19
20 SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing
21 restrictions based on criminal records, is amended to read as follows:

22 (g) The ~~permanent~~ disqualification for an offense listed in subsection
23 (a) or subsection (e) of this section does not apply to an individual who
24 holds a valid license on July 24, 2019.

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27 **APPROVED: 4/19/21**
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State of Arkansas

As Engrossed: S3/31/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1068

By: Representative Pilkington

For An Act To Be Entitled

AN ACT TO CLARIFY THE TELEMEDICINE ACT; TO SPECIFY
THAT THE HOME OF A PATIENT MAY BE AN ORIGINATING SITE
FOR TELEMEDICINE AND THAT GROUP MEETINGS MAY BE
PERFORMED VIA TELEMEDICINE; TO CLARIFY REIMBURSEMENT
OF TELEMEDICINE SERVICES; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE TELEMEDICINE ACT; TO
SPECIFY THAT THE HOME OF A PATIENT MAY BE
AN ORIGINATING SITE FOR TELEMEDICINE AND
THAT GROUP MEETINGS MAY BE PERFORMED VIA
TELEMEDICINE; AND TO CLARIFY
REIMBURSEMENT OF TELEMEDICINE SERVICES.

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

SECTION 1. Arkansas Code § 17-80-402(3), concerning the definition of
"originating site" within the Telemedicine Act, is amended to read as
follows:

(3)(A) "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.

(B) "Originating site" includes the home of a patient;

SECTION 2. Arkansas Code § 17-80-404, concerning the appropriate use
of telemedicine, is amended to add an additional subsection to read as
follows:

(f)(1) A healthcare professional may use telemedicine to perform group



1 meetings for healthcare services, including group therapy.

2 (2) Telemedicine for group therapy provided to adults who are
3 participants in a program or plan authorized and funded under 42 U.S.C. §
4 1396a, as approved by the United States Secretary of Health and Human
5 Services, may only be permitted if the Centers for Medicare and Medicaid
6 Services allows telemedicine for group therapy provided to adults.

7 (3) Telemedicine shall not be used for group therapy provided to
8 a child who is eighteen (18) years of age or younger.

9
10 SECTION 3. Arkansas Code § 23-79-1601(4), concerning the definition of
11 "originating site" regarding coverage for services provided through
12 telemedicine, is amended to read as follows:

13 (4)(A) "Originating site" means a site at which a patient is
14 located at the time healthcare services are provided to him or her by means
15 of telemedicine.

16 (B) "Originating site" includes the home of a patient;

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19 /s/Pilkington

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22 APPROVED: 4/19/21

State of ArkansasAs Engrossed: H1/25/21 H2/8/21 H2/10/21 S3/9/21 S3/17/21 S4/6/21 S4/12/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1063

By: Representatives Dotson, Pilkington

By: Senator Hester

For An Act To Be Entitled

AN ACT TO AMEND THE TELEMEDICINE ACT; TO AUTHORIZE
ADDITIONAL REIMBURSEMENT FOR TELEMEDICINE VIA
TELEPHONE; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE TELEMEDICINE ACT; TO
AUTHORIZE ADDITIONAL REIMBURSEMENT FOR
TELEMEDICINE VIA TELEPHONE; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-80-402(4), concerning the definition of
a "professional relationship" as used under the Telemedicine Act, is amended
to read as follows:

(4) "Professional relationship" means at a minimum a
relationship established between a healthcare professional and a patient
when:

(A) The healthcare professional has previously conducted
an in-person examination of the patient and is available to provide
appropriate follow-up care, when necessary, at medically necessary intervals;

(B) The healthcare professional personally knows the
patient and the patient's relevant health status through an ongoing personal
or professional relationship and is available to provide appropriate follow-
up care, when necessary, at medically necessary intervals;



1 (C) The treatment is provided by a healthcare professional
2 in consultation with, or upon referral by, another healthcare professional
3 who has an ongoing professional relationship with the patient and who has
4 agreed to supervise the patient's treatment, including follow-up care;

5 (D) An on-call or cross-coverage arrangement exists with
6 the patient's regular treating healthcare professional or another healthcare
7 professional who has established a professional relationship with the
8 patient;

9 (E) A relationship exists in other circumstances as
10 defined by rule of the Arkansas State Medical Board for healthcare
11 professionals under its jurisdiction and their patients; ~~or~~

12 (F) A relationship exists in other circumstances as
13 defined by rule of a licensing or certification board for other healthcare
14 professionals under the jurisdiction of the appropriate board and their
15 patients if the rules are no less restrictive than the rules of the Arkansas
16 State Medical Board; or

17 (G)(i) The healthcare professional who is licensed in
18 Arkansas has access to a patient's personal health record maintained by a
19 healthcare professional and uses any technology deemed appropriate by the
20 healthcare professional, including the telephone, with a patient located in
21 Arkansas to diagnose, treat, and if clinically appropriate, prescribe a
22 noncontrolled drug to the patient.

23 (ii) For purposes of this subchapter, a health
24 record may be created with the use of telemedicine and consists of relevant
25 clinical information required to treat a patient, and is reviewed by the
26 healthcare professional who meets the same standard of care for a
27 telemedicine visit as an in-person visit;

28
29 SECTION 2. Arkansas Code § 17-80-403(c), concerning the establishment
30 of a professional relationship, is amended to read as follows:

31 (c) "Professional relationship" does not include a relationship
32 between a healthcare professional and a patient established only by the
33 following:

- 34 (1) An internet questionnaire;
35 (2) An email message;

- 1 (3) Patient-generated medical history;
2 (4) ~~Audio-only communication, including without limitation~~
3 ~~interactive audio;~~
4 ~~(5)~~ Text messaging;
5 ~~(6)~~(5) A facsimile machine; or
6 ~~(7)~~(6) Any combination thereof of means listed in subdivisions
7 (c)(1)-(5) of this section.
8
9

10 SECTION 3. Arkansas Code § 23-79-1601(2)(C), concerning the definition
11 of "health benefit plan", is amended to read as follows:

- 12 (C) "Health benefit plan" does not include:
13 (i) Disability income plans;
14 (ii) Credit insurance plans;
15 (iii) Insurance coverage issued as a supplement to
16 liability insurance;
17 (iv) Medical payments under automobile or homeowners
18 insurance plans;
19 (v) Health benefit plans provided under Arkansas
20 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
21 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;
22 (vi) Plans that provide only indemnity for hospital
23 confinement;
24 (vii) Accident-only plans;
25 (viii) Specified disease plans; ~~or~~
26 (ix) Long-term-care-only plans; or
27 (x) Stand-alone dental or vision benefit plans;
28

29 SECTION 4. Arkansas Code § 23-79-1601(7), concerning the definition of
30 "telemedicine", is amended to read as follows:

31 (7)(A) "Telemedicine" means the use of electronic information
32 and communication technology to deliver healthcare services, including
33 without limitation the assessment, diagnosis, consultation, treatment,
34 education, care management, and self-management of a patient.

35 (B) "Telemedicine" includes store-and-forward technology

1 and remote patient monitoring.

2 (C) For the purposes of this subchapter, "telemedicine"
3 does not include the use of:

4 (i)(a) Audio-only communication, ~~including without~~
5 ~~limitation interactive audio~~ unless the audio-only communication is real-
6 time, interactive, and substantially meets the requirements for a healthcare
7 service that would otherwise be covered by the health benefit plan.

8 (b) As with other medical services covered by
9 a health benefit plan, documentation of the engagement between patient and
10 provider via audio-only communication shall be placed in the medical record
11 addressing the problem, content of conversation, medical decision-making, and
12 plan of care after the contact.

13 (c) The documentation described in subdivision
14 (7)(C)(i)(b) of this section is subject to the same audit and review process
15 required by payers and governmental agencies when requesting documentation of
16 other care delivery such as in-office or face-to-face visits;

17 (ii) A facsimile machine;

18 (iii) Text messaging; or

19 (iv) ~~Electronic mail systems~~ Email.

20
21 SECTION 5. Arkansas Code § 23-79-1602(e), concerning prohibitions on
22 the coverage for telemedicine services, is amended to read as follows:

23 (e) A health benefit plan shall not impose on coverage for healthcare
24 services provided through telemedicine:

25 (1) An annual or lifetime dollar maximum on coverage for
26 services provided through telemedicine other than an annual or lifetime
27 dollar maximum that applies to the aggregate of all items and services
28 covered;

29 (2) A deductible, copayment, coinsurance, benefit limitation, or
30 maximum benefit that is not equally imposed upon all healthcare services
31 covered under the health benefit plan; ~~or~~

32 (3) A prior authorization requirement for services provided
33 through telemedicine that exceeds the prior authorization requirement for in-
34 person healthcare services under the health benefit plan;

35 (4) A requirement for a covered person to choose any commercial

telemedicine service provider or a restricted network of telemedicine-only providers rather than the covered person's regular doctor or provider of choice; or

(5) A copayment, coinsurance, or deductible that is not equally imposed upon commercial telemedicine providers as those imposed on network providers.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that due to the coronavirus 2019 (COVID-19) pandemic, the Governor removed barriers to the use of telemedicine in an attempt to combat the coronavirus 2019 (COVID-19) pandemic; that these emergency actions will expire when the emergency proclamation expires, which could occur quickly; that on February 26, 2021, the Governor announced that the public health emergency was extended but that the Governor was going to lift some regulations related to the pandemic; that removing barriers to the use of telemedicine ensured that the citizens of Arkansas had the services that they needed, and removing these emergency proclamations regarding telemedicine would greatly disadvantage and harm the citizens of Arkansas who are utilizing telemedicine for healthcare services; that this bill maintains the policy changes allowed under the emergency proclamation, which would allow the citizens of Arkansas greater access to the use of telemedicine for healthcare services; and that this act is immediately necessary to ensure that the citizens of Arkansas have access to healthcare services provided via telemedicine. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Pilkington

APPROVED: 4/21/21

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1760

By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO ESTABLISH THE PSYCHOLOGICAL
INTERJURISDICTIONAL COMPACT IN ARKANSAS; AND FOR
OTHER PURPOSES.

Subtitle

TO ESTABLISH THE PSYCHOLOGICAL
INTERJURISDICTIONAL COMPACT IN ARKANSAS.

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

SECTION 1. Arkansas Code Title 17, Chapter 97, is amended to add an
additional subchapter to read as follows:

Subchapter 5 – Psychological Interjurisdictional Compact

17-97-501. Text of compact.

The Psychological Interjurisdictional Compact is enacted into law and
entered into by this state with all states legally joining therein and in the
form substantially as follows:

PSYCHOLOGICAL INTERJURISDICTIONAL COMPACT

Article I

Purpose

Whereas, states license psychologists, in order to protect the public
through verification of education, training and experience and ensure
accountability for professional practice; and



1 Whereas, this Compact is intended to regulate the day to day practice
2 of telepsychology (i.e. the provision of psychological services using
3 telecommunication technologies) by psychologists across state boundaries in
4 the performance of their psychological practice as assigned by an appropriate
5 authority; and

6 Whereas, this Compact is intended to regulate the temporary in-person,
7 face-to-face practice of psychology by psychologists across state boundaries
8 for 30 days within a calendar year in the performance of their psychological
9 practice as assigned by an appropriate authority;

10 Whereas, this Compact is intended to authorize State Psychology
11 Regulatory Authorities to afford legal recognition, in a manner consistent
12 with the terms of the Compact, to psychologists licensed in another state;

13 Whereas, this Compact recognizes that states have a vested interest in
14 protecting the public's health and safety through their licensing and
15 regulation of psychologists and that such state regulation will best protect
16 public health and safety;

17 Whereas, this Compact does not apply when a psychologist is licensed in
18 both the Home and Receiving States; and

19 Whereas, this Compact does not apply to permanent in-person, face-to-
20 face practice, it does allow for authorization of temporary psychological
21 practice.

22 Consistent with these principles, this Compact is designed to achieve
23 the following purposes and objectives:

24 1. Increase public access to professional psychological services
25 by allowing for telepsychological practice across state lines as well as
26 temporary in-person, face-to-face services into a state which the
27 psychologist is not licensed to practice psychology;

28 2. Enhance the states' ability to protect the public's health
29 and safety, especially client/patient safety;

30 3. Encourage the cooperation of Compact States in the areas of
31 psychology licensure and regulation;

32 4. Facilitate the exchange of information between Compact States
33 regarding psychologist licensure, adverse actions and disciplinary history;

34 5. Promote compliance with the laws governing psychological
35 practice in each Compact State; and

36 6. Invest all Compact States with the authority to hold licensed

1 psychologists accountable through mutual recognition of Compact State
2 licenses.

4 Article II

5 Definitions

6 A. "Adverse Action" means: Any action taken by a State Psychology
7 Regulatory Authority which finds a violation of a statute or regulation that
8 is identified by the State Psychology Regulatory Authority as discipline and
9 is a matter of public record.

10 B. "Association of State and Provincial Psychology Boards (ASPPB)"
11 means: the recognized membership organization composed of State and
12 Provincial Psychology Regulatory Authorities responsible for the licensure
13 and registration of psychologists throughout the United States and Canada.

14 C. "Authority to Practice Interjurisdictional Telepsychology" means: a
15 licensed psychologist's authority to practice telepsychology, within the
16 limits authorized under this Compact, in another Compact State.

17 D. "Bylaws" means: those Bylaws established by the Psychology
18 Interjurisdictional Compact Commission pursuant to Article X for its
19 governance, or for directing and controlling its actions and conduct.

20 E. "Client/Patient" means: the recipient of psychological services,
21 whether psychological services are delivered in the context of healthcare,
22 corporate, supervision, and/or consulting services.

23 F. "Commissioner" means: the voting representative appointed by each
24 State Psychology Regulatory Authority pursuant to Article X.

25 G. "Compact State" means: a state, the District of Columbia, or United
26 States territory that has enacted this Compact legislation and which has not
27 withdrawn pursuant to Article XIII, Section C or been terminated pursuant to
28 Article XII, Section B.

29 H. "Coordinated Licensure Information System" also referred to as
30 "Coordinated Database" means: an integrated process for collecting, storing,
31 and sharing information on psychologists' licensure and enforcement
32 activities related to psychology licensure laws, which is administered by the
33 recognized membership organization composed of State and Provincial
34 Psychology Regulatory Authorities.

35 I. "Confidentiality" means: the principle that data or information is
36 not made available or disclosed to unauthorized persons and/or processes.

1 J. “Day” means: any part of a day in which psychological work is
2 performed.

3 K. “Distant State” means: the Compact State where a psychologist is
4 physically present (not through the use of telecommunications technologies),
5 to provide temporary in-person, face-to-face psychological services.

6 L. “E.Passport” means: a certificate issued by the Association of
7 State and Provincial Psychology Boards (ASPPB) that promotes the
8 standardization in the criteria of interjurisdictional telepsychology
9 practice and facilitates the process for licensed psychologists to provide
10 telepsychological services across state lines.

11 M. “Executive Board” means: a group of directors elected or appointed
12 to act on behalf of, and within the powers granted to them by, the
13 Commission.

14 N. “Home State” means: a Compact State where a psychologist is
15 licensed to practice psychology. If the psychologist is licensed in more than
16 one Compact State and is practicing under the Authorization to Practice
17 Interjurisdictional Telepsychology, the Home State is the Compact State where
18 the psychologist is physically present when the telepsychological services
19 are delivered. If the psychologist is licensed in more than one Compact State
20 and is practicing under the Temporary Authorization to Practice, the Home
21 State is any Compact State where the psychologist is licensed.

22 O. “Identity History Summary” means: a summary of information retained
23 by the FBI, or other designee with similar authority, in connection with
24 arrests and, in some instances, federal employment, naturalization, or
25 military service.

26 P. “In-Person, Face-to-Face” means: interactions in which the
27 psychologist and the client/patient are in the same physical space and which
28 does not include interactions that may occur through the use of
29 telecommunication technologies.

30 Q. “Interjurisdictional Practice Certificate (IPC)” means: a
31 certificate issued by the Association of State and Provincial Psychology
32 Boards (ASPPB) that grants temporary authority to practice based on
33 notification to the State Psychology Regulatory Authority of intention to
34 practice temporarily, and verification of one’s qualifications for such
35 practice.

36 R. “License” means: authorization by a State Psychology Regulatory

1 Authority to engage in the independent practice of psychology, which would be
2 unlawful without the authorization.

3 S. "Non-Compact State" means: any State which is not at the time a
4 Compact State.

5 T. "Psychologist" means: an individual licensed for the independent
6 practice of psychology.

7 U. "Psychology Interjurisdictional Compact Commission" also referred
8 to as "Commission" means: the national administration of which all Compact
9 States are members.

10 V. "Receiving State" means: a Compact State where the client/patient
11 is physically located when the telepsychological services are delivered.

12 W. "Rule" means: a written statement by the Psychology
13 Interjurisdictional Compact Commission promulgated pursuant to Article XI of
14 the Compact that is of general applicability, implements, interprets, or
15 prescribes a policy or provision of the Compact, or an organizational,
16 procedural, or practice requirement of the Commission and has the force and
17 effect of statutory law in a Compact State, and includes the amendment,
18 repeal or suspension of an existing rule.

19 X. "Significant Investigatory Information" means:

20 1. investigative information that a State Psychology Regulatory
21 Authority, after a preliminary inquiry that includes notification and an
22 opportunity to respond if required by state law, has reason to believe, if
23 proven true, would indicate more than a violation of state statute or ethics
24 code that would be considered more substantial than minor infraction; or

25 2. investigative information that indicates that the
26 psychologist represents an immediate threat to public health and safety
27 regardless of whether the psychologist has been notified and/or had an
28 opportunity to respond.

29 Y. "State" means: a state, commonwealth, territory, or possession of
30 the United States, the District of Columbia.

31 Z. "State Psychology Regulatory Authority" means: the Board, office or
32 other agency with the legislative mandate to license and regulate the
33 practice of psychology.

34 AA. "Telepsychology" means: the provision of psychological services
35 using telecommunication technologies.

36 BB. "Temporary Authorization to Practice" means: a licensed

1 psychologist's authority to conduct temporary in-person, face-to-face
2 practice, within the limits authorized under this Compact, in another Compact
3 State.

4 CC. "Temporary In-Person, Face-to-Face Practice" means: where a
5 psychologist is physically present (not through the use of telecommunications
6 technologies), in the Distant State to provide for the practice of psychology
7 for 30 days within a calendar year and based on notification to the Distant
8 State.

10 Article III

11 Home State Licensure

12 A. The Home State shall be a Compact State where a psychologist is
13 licensed to practice psychology.

14 B. A psychologist may hold one or more Compact State licenses at a
15 time. If the psychologist is licensed in more than one Compact State, the
16 Home State is the Compact State where the psychologist is physically present
17 when the services are delivered as authorized by the Authority to Practice
18 Interjurisdictional Telepsychology under the terms of this Compact.

19 C. Any Compact State may require a psychologist not previously
20 licensed in a Compact State to obtain and retain a license to be authorized
21 to practice in the Compact State under circumstances not authorized by the
22 Authority to Practice Interjurisdictional Telepsychology under the terms of
23 this Compact.

24 D. Any Compact State may require a psychologist to obtain and retain a
25 license to be authorized to practice in a Compact State under circumstances
26 not authorized by Temporary Authorization to Practice under the terms of this
27 Compact.

28 E. A Home State's license authorizes a psychologist to practice in a
29 Receiving State under the Authority to Practice Interjurisdictional
30 Telepsychology only if the Compact State:

31 1. Currently requires the psychologist to hold an active
32 E.Passport;

33 2. Has a mechanism in place for receiving and investigating
34 complaints about licensed individuals;

35 3. Notifies the Commission, in compliance with the terms herein,
36 of any adverse action or significant investigatory information regarding a

1 licensed individual;

2 4. Requires an Identity History Summary of all applicants at
3 initial licensure, including the use of the results of fingerprints or other
4 biometric data checks compliant with the requirements of the Federal Bureau
5 of Investigation FBI, or other designee with similar authority, no later than
6 ten years after activation of the Compact; and

7 5. Complies with the Bylaws and Rules of the Commission.

8 F. A Home State's license grants Temporary Authorization to Practice
9 to a psychologist in a Distant State only if the Compact State:

10 1. Currently requires the psychologist to hold an active IPC;

11 2. Has a mechanism in place for receiving and investigating
12 complaints about licensed individuals;

13 3. Notifies the Commission, in compliance with the terms herein,
14 of any adverse action or significant investigatory information regarding a
15 licensed individual;

16 4. Requires an Identity History Summary of all applicants at
17 initial licensure, including the use of the results of fingerprints or other
18 biometric data checks compliant with the requirements of the Federal Bureau
19 of Investigation FBI, or other designee with similar authority, no later than
20 ten years after activation of the Compact; and

21 5. Complies with the Bylaws and Rules of the Commission.

22 Article IV

23 Compact Privilege to Practice Telepsychology

24 A. Compact States shall recognize the right of a psychologist,
25 licensed in a Compact State in conformance with Article III, to practice
26 telepsychology in other Compact States (Receiving States) in which the
27 psychologist is not licensed, under the Authority to Practice
28 Interjurisdictional Telepsychology as provided in the Compact.

29 B. To exercise the Authority to Practice Interjurisdictional
30 Telepsychology under the terms and provisions of this Compact, a psychologist
31 licensed to practice in a Compact State must:

32 1. Hold a graduate degree in psychology from an institute of
33 higher education that was, at the time the degree was awarded:

34 a. Regionally accredited by an accrediting body recognized
35 by the U.S. Department of Education to grant graduate degrees, OR authorized
36

1 by Provincial Statute or Royal Charter to grant doctoral degrees; OR

2 b. A foreign college or university deemed to be equivalent
3 to 1 (a) above by a foreign credential evaluation service that is a member of
4 the National Association of Credential Evaluation Services (NACES) or by a
5 recognized foreign credential evaluation service; AND

6 2. Hold a graduate degree in psychology that meets the following
7 criteria:

8 a. The program, wherever it may be administratively
9 housed, must be clearly identified and labeled as a psychology program. Such
10 a program must specify in pertinent institutional catalogues and brochures
11 its intent to educate and train professional psychologists;

12 b. The psychology program must stand as a recognizable,
13 coherent, organizational entity within the institution;

14 c. There must be a clear authority and primary
15 responsibility for the core and specialty areas whether or not the program
16 cuts across administrative lines;

17 d. The program must consist of an integrated, organized
18 sequence of study;

19 e. There must be an identifiable psychology faculty
20 sufficient in size and breadth to carry out its responsibilities;

21 f. The designated director of the program must be a
22 psychologist and a member of the core faculty;

23 g. The program must have an identifiable body of students
24 who are matriculated in that program for a degree;

25 h. The program must include supervised practicum,
26 internship, or field training appropriate to the practice of psychology;

27 i. The curriculum shall encompass a minimum of three
28 academic years of full- time graduate study for doctoral degree and a minimum
29 of one academic year of full-time graduate study for master's degree;

30 j. The program includes an acceptable residency as defined
31 by the Rules of the Commission.

32 3. Possess a current, full and unrestricted license to practice
33 psychology in a Home State which is a Compact State;

34 4. Have no history of adverse action that violate the Rules of
35 the Commission;

36 5. Have no criminal record history reported on an Identity

1 History Summary that violates the Rules of the Commission;

2 6. Possess a current, active E.Passport;

3 7. Provide attestations in regard to areas of intended practice,
4 conformity with standards of practice, competence in telepsychology
5 technology; criminal background; and knowledge and adherence to legal
6 requirements in the home and receiving states, and provide a release of
7 information to allow for primary source verification in a manner specified by
8 the Commission; and

9 8. Meet other criteria as defined by the Rules of the
10 Commission.

11 C. The Home State maintains authority over the license of any
12 psychologist practicing into a Receiving State under the Authority to
13 Practice Interjurisdictional Telepsychology.

14 D. A psychologist practicing into a Receiving State under the
15 Authority to Practice Interjurisdictional Telepsychology will be subject to
16 the Receiving State's scope of practice. A Receiving State may, in accordance
17 with that state's due process law, limit or revoke a psychologist's Authority
18 to Practice Interjurisdictional Telepsychology in the Receiving State and may
19 take any other necessary actions under the Receiving State's applicable law
20 to protect the health and safety of the Receiving State's citizens. If a
21 Receiving State takes action, the state shall promptly notify the Home State
22 and the Commission.

23 E. If a psychologist's license in any Home State, another Compact
24 State, or any Authority to Practice Interjurisdictional Telepsychology in any
25 Receiving State, is restricted, suspended or otherwise limited, the
26 E.Passport shall be revoked and therefore the psychologist shall not be
27 eligible to practice telepsychology in a Compact State under the Authority to
28 Practice Interjurisdictional Telepsychology.

30 Article V

31 Compact Temporary Authorization to Practice

32 A. Compact States shall also recognize the right of a psychologist,
33 licensed in a Compact State in conformance with Article III, to practice
34 temporarily in other Compact States (Distant States) in which the
35 psychologist is not licensed, as provided in the Compact.

36 B. To exercise the Temporary Authorization to Practice under the terms

1 and provisions of this Compact, a psychologist licensed to practice in a
2 Compact State must:

3 1. Hold a graduate degree in psychology from an institute of
4 higher education that was, at the time the degree was awarded:

5 a. Regionally accredited by an accrediting body recognized
6 by the U.S. Department of Education to grant graduate degrees, OR authorized
7 by Provincial Statute or Royal Charter to grant doctoral degrees; OR

8 b. A foreign college or university deemed to be equivalent
9 to 1 (a) above by a foreign credential evaluation service that is a member of
10 the National Association of Credential Evaluation Services (NACES) or by a
11 recognized foreign credential evaluation service; AND

12 2. Hold a graduate degree in psychology that meets the following
13 criteria:

14 a. The program, wherever it may be administratively
15 housed, must be clearly identified and labeled as a psychology program. Such
16 a program must specify in pertinent institutional catalogues and brochures
17 its intent to educate and train professional psychologists;

18 b. The psychology program must stand as a recognizable,
19 coherent, organizational entity within the institution;

20 c. There must be a clear authority and primary
21 responsibility for the core and specialty areas whether or not the program
22 cuts across administrative lines;

23 d. The program must consist of an integrated, organized
24 sequence of study;

25 e. There must be an identifiable psychology faculty
26 sufficient in size and breadth to carry out its responsibilities;

27 f. The designated director of the program must be a
28 psychologist and a member of the core faculty;

29 g. The program must have an identifiable body of students
30 who are matriculated in that program for a degree;

31 h. The program must include supervised practicum,
32 internship, or field training appropriate to the practice of psychology;

33 i. The curriculum shall encompass a minimum of three
34 academic years of full- time graduate study for doctoral degrees and a
35 minimum of one academic year of full-time graduate study for master's degree;

36 j. The program includes an acceptable residency as defined

1 by the Rules of the Commission.

2 3. Possess a current, full and unrestricted license to practice
3 psychology in a Home State which is a Compact State;

4 4. No history of adverse action that violate the Rules of the
5 Commission;

6 5. No criminal record history that violates the Rules of the
7 Commission;

8 6. Possess a current, active IPC;

9 7. Provide attestations in regard to areas of intended practice
10 and work experience and provide a release of information to allow for primary
11 source verification in a manner specified by the Commission; and

12 8. Meet other criteria as defined by the Rules of the
13 Commission.

14 C. A psychologist practicing into a Distant State under the Temporary
15 Authorization to Practice shall practice within the scope of practice
16 authorized by the Distant State.

17 D. A psychologist practicing into a Distant State under the Temporary
18 Authorization to Practice will be subject to the Distant State's authority
19 and law. A Distant State may, in accordance with that state's due process
20 law, limit or revoke a psychologist's Temporary Authorization to Practice in
21 the Distant State and may take any other necessary actions under the Distant
22 State's applicable law to protect the health and safety of the Distant
23 State's citizens. If a Distant State takes action, the state shall promptly
24 notify the Home State and the Commission.

25 E. If a psychologist's license in any Home State, another Compact
26 State, or any Temporary Authorization to Practice in any Distant State, is
27 restricted, suspended or otherwise limited, the IPC shall be revoked and
28 therefore the psychologist shall not be eligible to practice in a Compact
29 State under the Temporary Authorization to Practice.

30 Article VI

31 Conditions of Telepsychology Practice in A Receiving State

32 A. A psychologist may practice in a Receiving State under the
33 Authority to Practice Interjurisdictional Telepsychology only in the
34 performance of the scope of practice for psychology as assigned by an
35 appropriate State Psychology Regulatory Authority, as defined in the Rules of
36

1 the Commission, and under the following circumstances:

2 1. The psychologist initiates a client/patient contact in a Home
3 State via telecommunications technologies with a client/patient in a
4 Receiving State;

5 2. Other conditions regarding telepsychology as determined by
6 Rules promulgated by the Commission.

7
8 Article VII

9 Adverse Actions

10 A. A Home State shall have the power to impose adverse action against
11 a psychologist's license issued by the Home State. A Distant State shall have
12 the power to take adverse action on a psychologist's Temporary Authorization
13 to Practice within that Distant State.

14 B. A Receiving State may take adverse action on a psychologist's
15 Authority to Practice Interjurisdictional Telepsychology within that
16 Receiving State. A Home State may take adverse action against a psychologist
17 based on an adverse action taken by a Distant State regarding temporary in-
18 person, face-to-face practice.

19 C. If a Home State takes adverse action against a psychologist's
20 license, that psychologist's Authority to Practice Interjurisdictional
21 Telepsychology is terminated and the E.Passport is revoked. Furthermore, that
22 psychologist's Temporary Authorization to Practice is terminated and the IPC
23 is revoked.

24 1. All Home State disciplinary orders which impose adverse
25 action shall be reported to the Commission in accordance with the Rules
26 promulgated by the Commission. A Compact State shall report adverse actions
27 in accordance with the Rules of the Commission.

28 2. In the event discipline is reported on a psychologist, the
29 psychologist will not be eligible for telepsychology or temporary in-person,
30 face-to-face practice in accordance with the Rules of the Commission.

31 3. Other actions may be imposed as determined by the Rules
32 promulgated by the Commission.

33 D. A Home State's Psychology Regulatory Authority shall investigate
34 and take appropriate action with respect to reported inappropriate conduct
35 engaged in by a licensee which occurred in a Receiving State as it would if
36 such conduct had occurred by a licensee within the Home State. In such cases,

1 the Home State's law shall control in determining any adverse action against
2 a psychologist's license.

3 E. A Distant State's Psychology Regulatory Authority shall investigate
4 and take appropriate action with respect to reported inappropriate conduct
5 engaged in by a psychologist practicing under Temporary Authorization
6 Practice which occurred in that Distant State as it would if such conduct had
7 occurred by a licensee within the Home State. In such cases, Distant State's
8 law shall control in determining any adverse action against a psychologist's
9 Temporary Authorization to Practice.

10 F. Nothing in this Compact shall override a Compact State's decision
11 that a psychologist's participation in an alternative program may be used in
12 lieu of adverse action and that such participation shall remain nonpublic if
13 required by the Compact State's law. Compact States must require
14 psychologists who enter any alternative programs to not provide
15 telepsychology services under the Authority to Practice Interjurisdictional
16 Telepsychology or provide temporary psychological services under the
17 Temporary Authorization to Practice in any other Compact State during the
18 term of the alternative program.

19 G. No other judicial or administrative remedies shall be available to
20 a psychologist in the event a Compact State imposes an adverse action
21 pursuant to subsection C, above.

22 Article VIII

23 Additional Authorities Invested in a Compact State's Psychology Regulatory 24 Authority

25 A. In addition to any other powers granted under state law, a Compact
26 State's Psychology Regulatory Authority shall have the authority under this
27 Compact to:

28 1. Issue subpoenas, for both hearings and investigations, which
29 require the attendance and testimony of witnesses and the production of
30 evidence. Subpoenas issued by a Compact State's Psychology Regulatory
31 Authority for the attendance and testimony of witnesses, and/or the
32 production of evidence from another Compact State shall be enforced in the
33 latter state by any court of competent jurisdiction, according to that
34 court's practice and procedure in considering subpoenas issued in its own
35 proceedings. The issuing State Psychology Regulatory Authority shall pay any
36

1 witness fees, travel expenses, mileage and other fees required by the service
2 statutes of the state where the witnesses and/or evidence are located; and

3 2. Issue cease and desist and/or injunctive relief orders to
4 revoke a psychologist's Authority to Practice Interjurisdictional
5 Telepsychology and/or Temporary Authorization to Practice.

6 3. During the course of any investigation, a psychologist may
7 not change his/her Home State licensure. A Home State Psychology Regulatory
8 Authority is authorized to complete any pending investigations of a
9 psychologist and to take any actions appropriate under its law. The Home
10 State Psychology Regulatory Authority shall promptly report the conclusions
11 of such investigations to the Commission. Once an investigation has been
12 completed, and pending the outcome of said investigation, the psychologist
13 may change his/her Home State licensure. The Commission shall promptly notify
14 the new Home State of any such decisions as provided in the Rules of the
15 Commission. All information provided to the Commission or distributed by
16 Compact States pursuant to the psychologist shall be confidential, filed
17 under seal and used for investigatory or disciplinary matters. The Commission
18 may create additional rules for mandated or discretionary sharing of
19 information by Compact States.

20 21 Article IX

22 Coordinated Licensure Information System

23 A. The Commission shall provide for the development and maintenance of
24 a Coordinated Licensure Information System (Coordinated Database) and
25 reporting system containing licensure and disciplinary action information on
26 all psychologists individuals to whom this Compact is applicable in all
27 Compact States as defined by the Rules of the Commission.

28 B. Notwithstanding any other provision of state law to the contrary, a
29 Compact State shall submit a uniform data set to the Coordinated Database on
30 all licensees as required by the Rules of the Commission, including:

- 31 1. Identifying information;
- 32 2. Licensure data;
- 33 3. Significant investigatory information;
- 34 4. Adverse actions against a psychologist's license;
- 35 5. An indicator that a psychologist's Authority to Practice
36 Interjurisdictional Telepsychology and/or Temporary Authorization to Practice

1 is revoked;

2 6. Non-confidential information related to alternative program
3 participation information;

4 7. Any denial of application for licensure, and the reasons for
5 such denial; and

6 8. Other information which may facilitate the administration of
7 this Compact, as determined by the Rules of the Commission.

8 C. The Coordinated Database administrator shall promptly notify all
9 Compact States of any adverse action taken against, or significant
10 investigative information on, any licensee in a Compact State.

11 D. Compact States reporting information to the Coordinated Database
12 may designate information that may not be shared with the public without the
13 express permission of the Compact State reporting the information.

14 E. Any information submitted to the Coordinated Database that is
15 subsequently required to be expunged by the law of the Compact State
16 reporting the information shall be removed from the Coordinated Database.

17 18 Article X

19 Establishment of the Psychology Interjurisdictional Compact Commission

20 A. The Compact States hereby create and establish a joint public
21 agency known as the Psychology Interjurisdictional Compact Commission.

22 1. The Commission is a body politic and an instrumentality of
23 the Compact States.

24 2. Venue is proper and judicial proceedings by or against the
25 Commission shall be brought solely and exclusively in a court of competent
26 jurisdiction where the principal office of the Commission is located. The
27 Commission may waive venue and jurisdictional defenses to the extent it
28 adopts or consents to participate in alternative dispute resolution
29 proceedings.

30 3. Nothing in this Compact shall be construed to be a waiver of
31 sovereign immunity.

32 B. Membership, Voting, and Meetings

33 1. The Commission shall consist of one voting representative
34 appointed by each Compact State who shall serve as that state's Commissioner.
35 The State Psychology Regulatory Authority shall appoint its delegate. This
36 delegate shall be empowered to act on behalf of the Compact State. This

1 delegate shall be limited to:

2 a. Executive Director, Executive Secretary or similar
3 executive;

4 b. Current member of the State Psychology Regulatory
5 Authority of a Compact State; OR

6 c. Designee empowered with the appropriate delegate
7 authority to act on behalf of the Compact State.

8 2. Any Commissioner may be removed or suspended from office as
9 provided by the law of the state from which the Commissioner is appointed.
10 Any vacancy occurring in the Commission shall be filled in accordance with
11 the laws of the Compact State in which the vacancy exists.

12 3. Each Commissioner shall be entitled to one (1) vote with
13 regard to the promulgation of Rules and creation of Bylaws and shall
14 otherwise have an opportunity to participate in the business and affairs of
15 the Commission. A Commissioner shall vote in person or by such other means as
16 provided in the Bylaws. The Bylaws may provide for Commissioners'
17 participation in meetings by telephone or other means of communication.

18 4. The Commission shall meet at least once during each calendar
19 year. Additional meetings shall be held as set forth in the Bylaws.

20 5. All meetings shall be open to the public, and public notice
21 of meetings shall be given in the same manner as required under the
22 rulemaking provisions in Article XI.

23 6. The Commission may convene in a closed, non-public meeting if
24 the Commission must discuss:

25 a. Non-compliance of a Compact State with its obligations
26 under the Compact;

27 b. The employment, compensation, discipline or other
28 personnel matters, practices or procedures related to specific employees or
29 other matters related to the Commission's internal personnel practices and
30 procedures;

31 c. Current, threatened, or reasonably anticipated
32 litigation against the Commission;

33 d. Negotiation of contracts for the purchase or sale of
34 goods, services or real estate;

35 e. Accusation against any person of a crime or formally
36 censuring any person;

1 f. Disclosure of trade secrets or commercial or financial
2 information which is privileged or confidential;

3 g. Disclosure of information of a personal nature where
4 disclosure would constitute a clearly unwarranted invasion of personal
5 privacy;

6 h. Disclosure of investigatory records compiled for law
7 enforcement purposes;

8 i. Disclosure of information related to any investigatory
9 reports prepared by or on behalf of or for use of the Commission or other
10 committee charged with responsibility for investigation or determination of
11 compliance issues pursuant to the Compact; or

12 j. Matters specifically exempted from disclosure by
13 federal and state statute.

14 7. If a meeting, or portion of a meeting, is closed pursuant to
15 this provision, the Commission's legal counsel or designee shall certify that
16 the meeting may be closed and shall reference each relevant exempting
17 provision. The Commission shall keep minutes which fully and clearly describe
18 all matters discussed in a meeting and shall provide a full and accurate
19 summary of actions taken, of any person participating in the meeting, and the
20 reasons therefore, including a description of the views expressed. All
21 documents considered in connection with an action shall be identified in such
22 minutes. All minutes and documents of a closed meeting shall remain under
23 seal, subject to release only by a majority vote of the Commission or order
24 of a court of competent jurisdiction.

25 C. The Commission shall, by a majority vote of the Commissioners,
26 prescribe Bylaws and/or Rules to govern its conduct as may be necessary or
27 appropriate to carry out the purposes and exercise the powers of the Compact,
28 including but not limited to:

29 1. Establishing the fiscal year of the Commission;

30 2. Providing reasonable standards and procedures:

31 a. for the establishment and meetings of other committees;
32 and

33 b. governing any general or specific delegation of any
34 authority or function of the Commission;

35 3. Providing reasonable procedures for calling and conducting
36 meetings of the Commission, ensuring reasonable advance notice of all

1 meetings and providing an opportunity for attendance of such meetings by
2 interested parties, with enumerated exceptions designed to protect the
3 public's interest, the privacy of individuals of such proceedings, and
4 proprietary information, including trade secrets. The Commission may meet in
5 closed session only after a majority of the Commissioners vote to close a
6 meeting to the public in whole or in part. As soon as practicable, the
7 Commission must make public a copy of the vote to close the meeting revealing
8 the vote of each Commissioner with no proxy votes allowed;

9 4. Establishing the titles, duties and authority and reasonable
10 procedures for the election of the officers of the Commission;

11 5. Providing reasonable standards and procedures for the
12 establishment of the personnel policies and programs of the Commission.
13 Notwithstanding any civil service or other similar law of any Compact State,
14 the Bylaws shall exclusively govern the personnel policies and programs of
15 the Commission;

16 6. Promulgating a Code of Ethics to address permissible and
17 prohibited activities of Commission members and employees;

18 7. Providing a mechanism for concluding the operations of the
19 Commission and the equitable disposition of any surplus funds that may exist
20 after the termination of the Compact after the payment and/or reserving of
21 all of its debts and obligations;

22 8. The Commission shall publish its Bylaws in a convenient form
23 and file a copy thereof and a copy of any amendment thereto, with the
24 appropriate agency or officer in each of the Compact States;

25 9. The Commission shall maintain its financial records in
26 accordance with the Bylaws; and

27 10. The Commission shall meet and take such actions as are
28 consistent with the provisions of this Compact and the Bylaws.

29 D. The Commission shall have the following powers:

30 1. The authority to promulgate uniform rules to facilitate and
31 coordinate implementation and administration of this Compact. The rule shall
32 have the force and effect of law and shall be binding in all Compact States;

33 2. To bring and prosecute legal proceedings or actions in the
34 name of the Commission, provided that the standing of any State Psychology
35 Regulatory Authority or other regulatory body responsible for psychology
36 licensure to sue or be sued under applicable law shall not be affected;

1 3. To purchase and maintain insurance and bonds;

2 4. To borrow, accept or contract for services of personnel,
3 including, but not limited to, employees of a Compact State;

4 5. To hire employees, elect or appoint officers, fix
5 compensation, define duties, grant such individuals appropriate authority to
6 carry out the purposes of the Compact, and to establish the Commission's
7 personnel policies and programs relating to conflicts of interest,
8 qualifications of personnel, and other related personnel matters;

9 6. To accept any and all appropriate donations and grants of
10 money, equipment, supplies, materials and services, and to receive, utilize
11 and dispose of the same; provided that at all times the Commission shall
12 strive to avoid any appearance of impropriety and/or conflict of interest;

13 7. To lease, purchase, accept appropriate gifts or donations of,
14 or otherwise to own, hold, improve or use, any property, real, personal or
15 mixed; provided that at all times the Commission shall strive to avoid any
16 appearance of impropriety;

17 8. To sell, convey, mortgage, pledge, lease, exchange, abandon
18 or otherwise dispose of any property real, personal or mixed;

19 9. To establish a budget and make expenditures;

20 10. To borrow money;

21 11. To appoint committees, including advisory committees
22 comprised of Members, State regulators, State legislators or their
23 representatives, and consumer representatives, and such other interested
24 persons as may be designated in this Compact and the Bylaws;

25 12. To provide and receive information from, and to cooperate
26 with, law enforcement agencies;

27 13. To adopt and use an official seal; and

28 14. To perform such other functions as may be necessary or
29 appropriate to achieve the purposes of this Compact consistent with the state
30 regulation of psychology licensure, temporary in-person, face-to-face
31 practice and telepsychology practice.

32 E. The Executive Board

33 The elected officers shall serve as the Executive Board, which shall have the
34 power to act on behalf of the Commission according to the terms of this
35 Compact.

36 1. The Executive Board shall be comprised of six members:

1 a. Five voting members who are elected from the current
2 membership of the Commission by the Commission;

3 b. One ex-officio, nonvoting member from the recognized
4 membership organization composed of State and Provincial Psychology
5 Regulatory Authorities.

6 2. The ex-officio member must have served as staff or member on
7 a State Psychology Regulatory Authority and will be selected by its
8 respective organization.

9 3. The Commission may remove any member of the Executive Board
10 as provided in Bylaws.

11 4. The Executive Board shall meet at least annually.

12 5. The Executive Board shall have the following duties and
13 responsibilities:

14 a. Recommend to the entire Commission changes to the Rules
15 or Bylaws, changes to this Compact legislation, fees paid by Compact States
16 such as annual dues, and any other applicable fees;

17 b. Ensure Compact administration services are
18 appropriately provided, contractual or otherwise;

19 c. Prepare and recommend the budget;

20 d. Maintain financial records on behalf of the Commission;

21 e. Monitor Compact compliance of member states and provide
22 compliance reports to the Commission;

23 f. Establish additional committees as necessary; and

24 g. Other duties as provided in Rules or Bylaws.

25 F. Financing of the Commission

26 1. The Commission shall pay, or provide for the payment of the
27 reasonable expenses of its establishment, organization and ongoing
28 activities.

29 2. The Commission may accept any and all appropriate revenue
30 sources, donations and grants of money, equipment, supplies, materials and
31 services.

32 3. The Commission may levy on and collect an annual assessment
33 from each Compact State or impose fees on other parties to cover the cost of
34 the operations and activities of the Commission and its staff which must be
35 in a total amount sufficient to cover its annual budget as approved each year
36 for which revenue is not provided by other sources. The aggregate annual

1 assessment amount shall be allocated based upon a formula to be determined by
2 the Commission which shall promulgate a rule binding upon all Compact States.

3 4. The Commission shall not incur obligations of any kind prior
4 to securing the funds adequate to meet the same; nor shall the Commission
5 pledge the credit of any of the Compact States, except by and with the
6 authority of the Compact State.

7 5. The Commission shall keep accurate accounts of all receipts
8 and disbursements. The receipts and disbursements of the Commission shall be
9 subject to the audit and accounting procedures established under its Bylaws.
10 However, all receipts and disbursements of funds handled by the Commission
11 shall be audited yearly by a certified or licensed public accountant and the
12 report of the audit shall be included in and become part of the annual report
13 of the Commission.

14 G. Qualified Immunity, Defense, and Indemnification

15 1. The members, officers, Executive Director, employees and
16 representatives of the Commission shall be immune from suit and liability,
17 either personally or in their official capacity, for any claim for damage to
18 or loss of property or personal injury or other civil liability caused by or
19 arising out of any actual or alleged act, error or omission that occurred, or
20 that the person against whom the claim is made had a reasonable basis for
21 believing occurred within the scope of Commission employment, duties or
22 responsibilities; provided that nothing in this paragraph shall be construed
23 to protect any such person from suit and/or liability for any damage, loss,
24 injury or liability caused by the intentional or willful or wanton misconduct
25 of that person.

26 2. The Commission shall defend any member, officer, Executive
27 Director, employee or representative of the Commission in any civil action
28 seeking to impose liability arising out of any actual or alleged act, error
29 or omission that occurred within the scope of Commission employment, duties
30 or responsibilities, or that the person against whom the claim is made had a
31 reasonable basis for believing occurred within the scope of Commission
32 employment, duties or responsibilities; provided that nothing herein shall be
33 construed to prohibit that person from retaining his or her own counsel; and
34 provided further, that the actual or alleged act, error or omission did not
35 result from that person's intentional or willful or wanton misconduct.

36 3. The Commission shall indemnify and hold harmless any member,

1 officer, Executive Director, employee or representative of the Commission for
2 the amount of any settlement or judgment obtained against that person arising
3 out of any actual or alleged act, error or omission that occurred within the
4 scope of Commission employment, duties or responsibilities, or that such
5 person had a reasonable basis for believing occurred within the scope of
6 Commission employment, duties or responsibilities, provided that the actual
7 or alleged act, error or omission did not result from the intentional or
8 willful or wanton misconduct of that person.

10 Article XI

11 Rulemaking

12 A. The Commission shall exercise its rulemaking powers pursuant to the
13 criteria set forth in this Article and the Rules adopted thereunder. Rules
14 and amendments shall become binding as of the date specified in each rule or
15 amendment.

16 B. If a majority of the legislatures of the Compact States rejects a
17 rule, by enactment of a statute or resolution in the same manner used to
18 adopt the Compact, then such rule shall have no further force and effect in
19 any Compact State.

20 C. Rules or amendments to the rules shall be adopted at a regular or
21 special meeting of the Commission.

22 D. Prior to promulgation and adoption of a final rule or Rules by the
23 Commission, and at least sixty (60) days in advance of the meeting at which
24 the rule will be considered and voted upon, the Commission shall file a
25 Notice of Proposed Rulemaking:

26 1. On the website of the Commission; and

27 2. On the website of each Compact States' Psychology Regulatory
28 Authority or the publication in which each state would otherwise publish
29 proposed rules.

30 E. The Notice of Proposed Rulemaking shall include:

31 1. The proposed time, date, and location of the meeting in which
32 the rule will be considered and voted upon;

33 2. The text of the proposed rule or amendment and the reason for
34 the proposed rule;

35 3. A request for comments on the proposed rule from any
36 interested person; and

1 4. The manner in which interested persons may submit notice to
2 the Commission of their intention to attend the public hearing and any
3 written comments.

4 F. Prior to adoption of a proposed rule, the Commission shall allow
5 persons to submit written data, facts, opinions and arguments, which shall be
6 made available to the public.

7 G. The Commission shall grant an opportunity for a public hearing
8 before it adopts a rule or amendment if a hearing is requested by:

9 1. At least twenty-five (25) persons who submit comments
10 independently of each other;

11 2. A governmental subdivision or agency; or

12 3. A duly appointed person in an association that has having at
13 least twenty-five (25) members.

14 H. If a hearing is held on the proposed rule or amendment, the
15 Commission shall publish the place, time, and date of the scheduled public
16 hearing.

17 1. All persons wishing to be heard at the hearing shall notify
18 the Executive Director of the Commission or other designated member in
19 writing of their desire to appear and testify at the hearing not less than
20 five (5) business days before the scheduled date of the hearing.

21 2. Hearings shall be conducted in a manner providing each person
22 who wishes to comment a fair and reasonable opportunity to comment orally or
23 in writing.

24 3. No transcript of the hearing is required, unless a written
25 request for a transcript is made, in which case the person requesting the
26 transcript shall bear the cost of producing the transcript. A recording may
27 be made in lieu of a transcript under the same terms and conditions as a
28 transcript. This subsection shall not preclude the Commission from making a
29 transcript or recording of the hearing if it so chooses.

30 4. Nothing in this section shall be construed as requiring a
31 separate hearing on each rule. Rules may be grouped for the convenience of
32 the Commission at hearings required by this section.

33 I. Following the scheduled hearing date, or by the close of business
34 on the scheduled hearing date if the hearing was not held, the Commission
35 shall consider all written and oral comments received.

36 J. The Commission shall, by majority vote of all members, take final

1 action on the proposed rule and shall determine the effective date of the
2 rule, if any, based on the rulemaking record and the full text of the rule.

3 K. If no written notice of intent to attend the public hearing by
4 interested parties is received, the Commission may proceed with promulgation
5 of the proposed rule without a public hearing.

6 L. Upon determination that an emergency exists, the Commission may
7 consider and adopt an emergency rule without prior notice, opportunity for
8 comment, or hearing, provided that the usual rulemaking procedures provided
9 in the Compact and in this section shall be retroactively applied to the rule
10 as soon as reasonably possible, in no event later than ninety (90) days after
11 the effective date of the rule. For the purposes of this provision, an
12 emergency rule is one that must be adopted immediately in order to:

- 13 1. Meet an imminent threat to public health, safety, or welfare;
14 2. Prevent a loss of Commission or Compact State funds;
15 3. Meet a deadline for the promulgation of an administrative
16 rule that is established by federal law or rule; or
17 4. Protect public health and safety.

18 M. The Commission or an authorized committee of the Commission may
19 direct revisions to a previously adopted rule or amendment for purposes of
20 correcting typographical errors, errors in format, errors in consistency, or
21 grammatical errors. Public notice of any revisions shall be posted on the
22 website of the Commission. The revision shall be subject to challenge by any
23 person for a period of thirty (30) days after posting. The revision may be
24 challenged only on grounds that the revision results in a material change to
25 a rule. A challenge shall be made in writing, and delivered to the Chair of
26 the Commission prior to the end of the notice period. If no challenge is
27 made, the revision will take effect without further action. If the revision
28 is challenged, the revision may not take effect without the approval of the
29 Commission.

31 Article XII

32 Oversight, Dispute Resolution and Enforcement

33 A. Oversight

34 1. The Executive, Legislative and Judicial branches of state
35 government in each Compact State shall enforce this Compact and take all
36 actions necessary and appropriate to effectuate the Compact's purposes and

1 intent. The provisions of this Compact and the rules promulgated hereunder
2 shall have standing as statutory law.

3 2. All courts shall take judicial notice of the Compact and the
4 rules in any judicial or administrative proceeding in a Compact State
5 pertaining to the subject matter of this Compact which may affect the powers,
6 responsibilities or actions of the Commission.

7 3. The Commission shall be entitled to receive service of
8 process in any such proceeding, and shall have standing to intervene in such
9 a proceeding for all purposes. Failure to provide service of process to the
10 Commission shall render a judgment or order void as to the Commission, this
11 Compact or promulgated rules.

12 B. Default, Technical Assistance, and Termination

13 1. If the Commission determines that a Compact State has
14 defaulted in the performance of its obligations or responsibilities under
15 this Compact or the promulgated rules, the Commission shall:

16 a. Provide written notice to the defaulting state and
17 other Compact States of the nature of the default, the proposed means of
18 remedying the default and/or any other action to be taken by the Commission;
19 and

20 b. Provide remedial training and specific technical
21 assistance regarding the default.

22 2. If a state in default fails to remedy the default, the
23 defaulting state may be terminated from the Compact upon an affirmative vote
24 of a majority of the Compact States, and all rights, privileges and benefits
25 conferred by this Compact shall be terminated on the effective date of
26 termination. A remedy of the default does not relieve the offending state of
27 obligations or liabilities incurred during the period of default.

28 3. Termination of membership in the Compact shall be imposed
29 only after all other means of securing compliance have been exhausted. Notice
30 of intent to suspend or terminate shall be submitted by the Commission to the
31 Governor, the majority and minority leaders of the defaulting state's
32 legislature, and each of the Compact States.

33 4. A Compact State which has been terminated is responsible for
34 all assessments, obligations and liabilities incurred through the effective
35 date of termination, including obligations which extend beyond the effective
36 date of termination.

1 5. The Commission shall not bear any costs incurred by the state
2 which is found to be in default or which has been terminated from the
3 Compact, unless agreed upon in writing between the Commission and the
4 defaulting state.

5 6. The defaulting state may appeal the action of the Commission
6 by petitioning the U.S. District Court for the state of Georgia or the
7 federal district where the Compact has its principal offices. The prevailing
8 member shall be awarded all costs of such litigation, including reasonable
9 attorney's fees.

10 C. Dispute Resolution

11 1. Upon request by a Compact State, the Commission shall attempt
12 to resolve disputes related to the Compact which arise among Compact States
13 and between Compact and Non-Compact States.

14 2. The Commission shall promulgate a rule providing for both
15 mediation and binding dispute resolution for disputes that arise before the
16 commission.

17 D. Enforcement

18 1. The Commission, in the reasonable exercise of its discretion,
19 shall enforce the provisions and Rules of this Compact.

20 2. By majority vote, the Commission may initiate legal action in
21 the United States District Court for the State of Georgia or the federal
22 district where the Compact has its principal offices against a Compact State
23 in default to enforce compliance with the provisions of the Compact and its
24 promulgated Rules and Bylaws. The relief sought may include both injunctive
25 relief and damages. In the event judicial enforcement is necessary, the
26 prevailing member shall be awarded all costs of such litigation, including
27 reasonable attorney's fees.

28 3. The remedies herein shall not be the exclusive remedies of
29 the Commission. The Commission may pursue any other remedies available under
30 federal or state law.

31
32 Article XIII

33 Date of Implementation of the Psychology Interjurisdictional Compact
34 Commission and Associated Rules, Withdrawal, and Amendments

35 A. The Compact shall come into effect on the date on which the Compact
36 is enacted into law in the seventh Compact State. The provisions which become

1 effective at that time shall be limited to the powers granted to the
2 Commission relating to assembly and the promulgation of rules. Thereafter,
3 the Commission shall meet and exercise rulemaking powers necessary to the
4 implementation and administration of the Compact.

5 B. Any state which joins the Compact subsequent to the Commission's
6 initial adoption of the rules shall be subject to the rules as they exist on
7 the date on which the Compact becomes law in that state. Any rule which has
8 been previously adopted by the Commission shall have the full force and
9 effect of law on the day the Compact becomes law in that state.

10 C. Any Compact State may withdraw from this Compact by enacting a
11 statute repealing the same.

12 1. A Compact State's withdrawal shall not take effect until six
13 (6) months after enactment of the repealing statute.

14 2. Withdrawal shall not affect the continuing requirement of the
15 withdrawing State's Psychology Regulatory Authority to comply with the
16 investigative and adverse action reporting requirements of this act prior to
17 the effective date of withdrawal.

18 D. Nothing contained in this Compact shall be construed to invalidate
19 or prevent any psychology licensure agreement or other cooperative
20 arrangement between a Compact State and a Non-Compact State which does not
21 conflict with the provisions of this Compact.

22 E. This Compact may be amended by the Compact States. No amendment to
23 this Compact shall become effective and binding upon any Compact State until
24 it is enacted into the law of all Compact States.

26 Article XIV

27 Construction and Severability

28 This Compact shall be liberally construed so as to effectuate the
29 purposes thereof. If this Compact shall be held contrary to the constitution
30 of any state member thereto, the Compact shall remain in full force and
31 effect as to the remaining Compact States.

32
33 17-97-502. Administration of compact – Rules.

34 (a) The Arkansas Psychology Board is the Psychological
35 Interjurisdictional Compact administrator for this state.

36 (b) The board may adopt rules that are consistent with the

1 Psychological Interjurisdictional Compact necessary to implement this
2 subchapter.

3 (c) The board is not required to adopt the rules of the Psychological
4 Interjurisdictional Compact Commission for those rules to be effective in
5 this state.

6
7 17-97-503. Construction.

8 Except as to licensing under § 17-80-404(d), this subchapter does not
9 supersede or preempt the Telemedicine Act, § 17-80-401 et seq.

10
11 SECTION 2. DO NOT CODIFY. RULES UNDER THIS ACT.

12 (a)(1) The Arkansas Psychology Board shall promulgate rules necessary
13 to implement this act.

14 (2) When adopting the initial rules to implement this act, the
15 final rules shall be filed with the Secretary of State for adoption under §
16 25-15-204(f):

17 (A) On or before January 1, 2022; or

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

20 (b) The board shall file the proposed rule with the Legislative
21 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so
22 that the Legislative Council may consider the rule for approval before
23 January 1, 2022.

24
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26 APPROVED: 4/25/21
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State of Arkansas

As Engrossed: S4/19/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1439

By: Representative Pilkington

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO UPDATE THE VOLUNTEER HEALTH CARE ACT; TO
INCLUDE THERAPISTS, ADDICTION SPECIALISTS, AND
COUNSELORS IN THE VOLUNTEER HEALTHCARE PROGRAM; TO
INCREASE CONTINUING EDUCATION CREDITS UNDER THE
VOLUNTEER HEALTH CARE ACT; AND FOR OTHER PURPOSES.

Subtitle

TO UPDATE THE VOLUNTEER HEALTH CARE ACT;
AND TO INCLUDE THERAPISTS, ADDICTION
SPECIALISTS, AND COUNSELORS IN THE
VOLUNTEER HEALTHCARE PROGRAM.

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

SECTION 1. Arkansas Code § 20-8-803(5), concerning the definition of
"medical professional" within the Volunteer Health Care Act, is amended to
read as follows:

(5) "Medical professional" means:

(A) A physician, osteopathic physician, or optometric
physician;

(B) An osteopathic physician's assistant, physician's
assistant, or optometric physician's assistant;

(C) A chiropractic physician;

(D) A podiatric physician;

(E) A nurse licensed under § 17-87-101 et seq.;

(F) A dentist, ~~or dental hygienist, or dental assistant;~~



1 (G) A pharmacist;
2 (H) An optometrist;
3 (I) A therapist;
4 (J) An addiction specialist;
5 (K) A counselor;
6 (L) A healthcare professional who is licensed, certified,
7 or registered under Subtitle 3 of Title 17 of the Arkansas Code;
8 (M) A dietitian or an individual who offers dietary
9 services; and
10 ~~(J)~~(N) A student enrolled in an accredited program that
11 prepares the student for licensure in one (1) or more of the healthcare
12 professions listed in subdivisions~~(5)(A)-(H)~~ (5)(A)-(L) of this section.
13

14 SECTION 2. Arkansas Code § 20-8-805(b), concerning the continuing
15 education credit within the Volunteer Health Care Act, is amended to read as
16 follows:

17 (b) A medical professional shall not obtain more than ~~eight (8)~~
18 thirty-two (32) hours of credits as described in subsection (a) of this
19 section in a licensing period.
20

21
22 /s/Pilkington
23

24
25 **APPROVED: 4/27/21**
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