

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

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 117

4
5 By: Senator J. Jeffress
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For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
10 CODE TO PROVIDE INDEPENDENT PRACTICE OF
11 PSYCHOLOGY BY QUALIFIED PERSONS AT THE MASTERS
12 LEVEL; AND FOR OTHER PURPOSES.
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Subtitle

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15 AN ACT TO AMEND VARIOUS SECTIONS OF THE
16 ARKANSAS CODE TO PROVIDE INDEPENDENT
17 PRACTICE OF PSYCHOLOGY BY QUALIFIED
18 PERSONS AT THE MASTERS LEVEL.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 17-97-102(a) is amended to read as follows:

24 (a) Unless the context otherwise requires, two (2) levels of
25 psychological practice are defined for the purpose of this chapter. The
26 levels are to be known and are referred to as "psychological examiner" and
27 "psychologist":

28 (1)(A) A person practices as a "psychological examiner" within
29 the meaning of this chapter when he or she holds himself or herself out to be
30 a psychological examiner or renders to individuals or to the public for
31 remuneration any service involving the application of recognized principles,
32 methods, and procedures of the science and profession of psychology.

33 (B) Psychological examiners independently provide services
34 such as interviewing or administering and interpreting tests of mental
35 abilities, aptitudes, interests, and personality characteristics for the
36 purposes of psychological evaluation to assist in the determination of



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1 educational or vocational selection, guidance, or placement.

2 (C) The psychological examiner practices the following
 3 only under the supervision of a qualified psychologist until privileged to
 4 practice independently under subdivision (a)(1)(D) of this section:

- 5 (i) Overall personality appraisal, including
- 6 projective and objective testing classification of mental health disorders;
- 7 (ii) Personality counseling;
- 8 (iii) Psychotherapy;
- 9 (iv) Neuropsychological evaluation; or
- 10 (v) Personality readjustment techniques; ~~and.~~

11 (D) A psychological examiner who has completed three (3)
 12 years of one (1) hour per week face-to-face supervision by a licensed
 13 psychologist or has received the equivalent as determined by the board, has
 14 passed the Practitioner's Exam of Psychological Knowledge, and with board
 15 approval will be privileged to practice independently; and

16 (2) A person practices as a "psychologist" within the meaning of
 17 this chapter when he holds himself out to be a psychologist or renders to
 18 individuals or to the public for remuneration any service involving the
 19 application of recognized principles, methods, and procedures of the science
 20 and profession of psychology, such as interviewing or administering and
 21 interpreting tests of mental abilities, aptitudes, interests, and personality
 22 characteristics for such purposes as psychological evaluation or for
 23 educational or vocational selection, guidance, or placement, or for such
 24 purposes as overall personality appraisal or classification, personality
 25 counseling, psychotherapy, personality readjustment, or neuropsychological
 26 evaluation.

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 28 SECTION 2. Arkansas Code § 17-97-201(a) is amended to read as follows:

29 (a)(1) There is created the Arkansas Board of Examiners in Psychology,
 30 which shall consist of eight (8) members who shall be appointed by the
 31 Governor for terms of five (5) years.

32 (2) The Governor shall appoint:

33 (A) ~~Two (2) One (1) academic psychologists psychologist~~
 34 engaged in full-time teaching, except that when a vacancy arises in an
 35 academic psychologist position after March 1, 1995, that academic
 36 psychologist position is abolished, and thereafter, an additional

1 ~~psychological examiner engaged in the full-time practice of psychology shall~~
2 ~~be appointed to the board;~~

3 (B) Three (3) practicing psychologists engaged in the
4 full-time practice of psychology;

5 (C) ~~One (1) psychological examiner engaged in the full-~~
6 ~~time practice of psychology, except that, as provided in subdivision~~
7 ~~(a)(2)(A) of this section, when a vacancy arises in an academic psychologist~~
8 ~~position after March 1, 1995, that academic psychologist position is~~
9 ~~abolished, and thereafter, an additional psychological examiner engaged in~~
10 ~~the full-time practice of psychology shall be appointed to the board, and~~
11 ~~from then on, two (2) psychological examiners shall serve on the board;~~Two
12 (2) psychological examiners engaged in the full-time practice of psychology;
13 and

14 (D) Two (2) persons who are not actively engaged in or
15 retired from the practice of psychology.

16 (3)(A) The academic psychologists, practicing psychologists, and
17 psychological examiners shall be appointed from a list of nominees provided
18 by the Arkansas Psychological Association, the ~~Arkansas Association of~~
19 ~~Psychological Examiners~~ Arkansas Association of Masters in Psychology, and
20 from any other list which has attached thereto the signatures of at least
21 twenty (20) licensed psychologists or psychological examiners.

22 (B) Each nomination shall be transmitted to the Governor
23 within twenty (20) days after a vacancy occurs. The Governor may disregard
24 the nominees whose names were not transmitted prior to the expiration of the
25 twenty-day period.

26 (C)(i) Of the two (2) members appointed pursuant to
27 subdivision (a)(2)(D) of this section, one (1) member shall represent
28 consumers and one (1) member shall be sixty (60) years of age or older and
29 shall represent the elderly.

30 (ii) Both shall be appointed from the state at
31 large, subject to confirmation by the Senate.

32 (iii) The two (2) positions may not be held by the
33 same person.

34 (iv) Both shall be full voting members but shall not
35 participate in the grading of examinations.

36 (D)(i) Any public member appointed under subdivision

1 (a)(2)(D) of this section after July 28, 1995, must be an Arkansas resident
 2 and must have resided in Arkansas for at least five (5) years immediately
 3 preceding appointment.

4 (ii) Furthermore, the person must never have been a
 5 psychologist or psychological examiner, an applicant or former applicant for
 6 licensure as a psychologist or psychological examiner, a member of another
 7 mental health profession, a member of a household that includes a
 8 psychologist or psychological examiner, or otherwise have conflicts of
 9 interest or the appearance of conflicts with his or her duties as a board
 10 member.

11 (4)(A) Each psychologist and psychological examiner appointed to
 12 the board after July 28, 1995, must reside within the State of Arkansas, hold
 13 a current valid license to practice, and must have been licensed to practice
 14 psychology in Arkansas for at least five (5) years immediately preceding his
 15 or her appointment to the board.

16 (B) At the time of appointment, each such member must be
 17 free of any conflict of interest and the appearance of any conflict with his
 18 or her duties as a member of the board.

19 (5)(A) The Governor shall fill all vacancies on the board within
 20 thirty (30) days after the vacancy occurs. The Arkansas Psychological
 21 Association, the ~~Arkansas Association of Psychological Examiners~~ Arkansas
 22 Association of Masters in Psychology, and other interested licensed
 23 psychologists and psychological examiners shall transmit their nominees to
 24 the Governor no later than forty (40) days prior to the expiration of board
 25 members' terms, and at least thirty (30) days before the expiration of the
 26 term of any board member, the Governor shall appoint the person to replace
 27 the board member when the term expires.

28 (B) The Governor may disregard the nominees of any
 29 association which fails to transmit the names of the nominees at least forty
 30 (40) days prior to the expiration of the term of office.

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 32 SECTION 3. Arkansas Code § 17-97-310(c) is amended to read as follows:

33 (c)(1) Upon satisfactory proof that any applicant or licentiate has
 34 been guilty of any of the offenses listed in subsection (a) of this section,
 35 the board may refuse to grant a certificate to the applicant or may revoke a
 36 license of the licentiate upon a vote of ~~at least three (3) members~~ a

1 majority of the board members.

2 (2) An application for reinstatement may be made to the board,
3 and upon favorable action by ~~three (3)~~ a majority of its members, the board
4 may reinstate the applicant.

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