

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 *As Engrossed: S2/27/03 S3/17/03 S3/20/03 S3/31/03 S4/3/03*

2 84th General Assembly

A Bill

Act 1482 of 2003

3 Regular Session, 2003

SENATE BILL 133

4

5 By: Senators Steele, Altes, Madison, Whitaker

6 By: Representatives Bradford, Mahony, Judy, Wood, Lendall, Martin, Penix

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For An Act To Be Entitled

10 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
11 CODE TITLE 17, CHAPTER 97, RELATING TO
12 PSYCHOLOGISTS AND PSYCHOLOGICAL EXAMINERS; AND
13 FOR OTHER PURPOSES.

14

15

Subtitle

16

AN ACT TO AMEND VARIOUS SECTIONS OF THE
17 ARKANSAS CODE, RELATING TO PSYCHOLOGIST
18 AND PSYCHOLOGICAL EXAMINERS.

19

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21

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

22

23

SECTION 1. Arkansas Code § 17-97-102 is amended to read as follows:

24

17-97-102. Definitions - Levels of practice of psychology.

25

(a)(1) "Practice of psychology" means the observation, description,

26

evaluation, interpretation, or modification of human behavior by a person who

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holds an advanced graduate degree in psychology and is trained in the

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application of psychological principles, methods, or procedures, for one (1)

29

or more of the following purposes:

30

(A) Preventing or eliminating symptomatic, maladaptive, or

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undesired behavior;

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(B) Enhancing interpersonal relationships, work and life

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adjustment, personal effectiveness, behavioral health and mental health; and

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(C) Consultation, teaching, and research.

35

(2) "Practice of psychology" includes, but is not limited to:

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(A) Testing and measuring, which consists of the



1 administration and interpretation of tests measuring personal
2 characteristics, such as intelligence, personality, abilities, interests,
3 aptitudes, achievements, motives, personality dynamics, psychoeducational
4 processes, neuropsychological brain functioning, and other psychological
5 attributes of individuals or groups;

6 (B)(i) Diagnosis and treatment of mental and emotional
7 disorders, which consists of the appropriate diagnosis of mental disorders,
8 behavior disorders, and brain dysfunctions, according to standards of the
9 profession and the ordering or providing of treatments according to need.

10 (ii) Treatment includes, but is not limited to,
11 providing:

12 (a) Counseling;

13 (b) Psychotherapy;

14 (c) Marital and family therapy;

15 (d) Group therapy;

16 (e) Behavior therapy;

17 (f) Psychoanalysis;

18 (g) Hypnosis;

19 (h) Biofeedback;

20 (i) Other psychological interventions that aim
21 to modify and adjust perceptions, habits, or conduct; and

22 (j) The psychological aspects of physical
23 illness, pain, injury, or disability; and

24 (C) Psychological consulting, which consists of:

25 (i) Interpreting or reporting on scientific theory
26 or research in psychology;

27 (ii) Rendering expert psychological opinion or
28 clinical psychological opinion;

29 (iii) Evaluating and engaging in applied
30 psychological research;

31 (iv) Program or organizational development; and

32 (v) Administration, supervision, and evaluation of
33 psychological services.

34 (3)(A) The practice of psychology may be rendered to
35 individuals, families, groups, organizations, institutions and the public.

36 (B) The practice of psychology may be rendered whether or

1 not payment is received for services rendered.

2 ~~(a)(b)~~ Unless the context otherwise requires, two (2) levels of
3 psychological practice are defined for the purpose of this chapter. The
4 levels are to be known and are referred to as "psychological examiner" and
5 "psychologist":

6 (1)(A) A person practices as a "psychological examiner" within
7 the meaning of this chapter when he or she holds himself or herself out to be
8 a psychological examiner or renders to individuals or to the public for
9 remuneration any service involving ~~the application of recognized principles,~~
10 ~~methods, and procedures of the science and profession of psychology~~ the
11 practice of psychology.

12 (B) Psychological examiners independently provide services
13 such as interviewing or administering and interpreting tests of mental
14 abilities, aptitudes, interests, and personality characteristics for the
15 purposes of psychological evaluation to assist in the determination of
16 educational or vocational selection, guidance, or placement.

17 ~~(C) The psychological examiner practices the following~~
18 ~~only under the supervision of a qualified psychologist:~~

19 ~~(i) Overall personality appraisal, including~~
20 ~~projective and objective testing classification of mental health disorders;~~

21 ~~(ii) Personality counseling;~~

22 ~~(iii) Psychotherapy;~~

23 ~~(iv) Neuropsychological evaluation; or~~

24 ~~(v) Personality readjustment techniques; and~~

25 (C) Other than those psychological services listed in
26 subdivision (b)(1)(B) of this section, the psychological examiner provides
27 psychological services only under the supervision of a qualified
28 psychologist.

29 (2) A person practices as a "psychologist" within the meaning of
30 this chapter when he or she holds himself or herself out to be a psychologist
31 or renders to individuals or to the public for remuneration any service
32 involving ~~the application of recognized principles, methods, and procedures~~
33 ~~of the science and profession of psychology, such as interviewing or~~
34 ~~administering and interpreting tests of mental abilities, aptitudes,~~
35 ~~interests, and personality characteristics for such purposes as psychological~~
36 ~~evaluation or for educational or vocational selection, guidance, or~~

1 ~~placement, or for such purposes as overall personality appraisal or~~
 2 ~~classification, personality counseling, psychotherapy, personality~~
 3 ~~readjustment, or neuropsychological evaluation~~ the practice of psychology.

4 ~~(b)(e) Nothing in these definitions shall be construed as permitting~~
 5 ~~the use of those forms of psychotherapy which involve the administration or~~
 6 ~~prescription of drugs or electroshock or in any way infringing upon the~~
 7 ~~practice of medicine as defined in the laws of this state. The psychologist~~
 8 ~~or psychological examiner who engages in psychotherapy must establish and~~
 9 ~~maintain effective intercommunication with a qualified psychiatrist to make~~
 10 ~~provision for the diagnosis and treatment of medical problems by a physician~~
 11 ~~licensed under the laws of Arkansas. A psychologist or psychological~~
 12 ~~examiner must not attempt to diagnose, prescribe for, treat, or advise a~~
 13 ~~client with reference to problems or complaints falling outside the~~
 14 ~~boundaries of psychological practice.~~ Nothing in this section shall be
 15 construed as permitting the practice of psychology to infringe on the
 16 practice of medicine as defined by the Arkansas Medical Practices Act, § 17-
 17 95-201 et seq.

18
 19 SECTION 2. Arkansas Code § 17-97-103 is amended to read as follows:
 20 17-97-103. Exceptions generally.

21 ~~(a)(1) Nothing in this chapter shall be construed to limit the~~
 22 ~~professional pursuits of teachers and counselors in recognized public and~~
 23 ~~private schools, clergymen, practitioners of medicine, or social workers from~~
 24 ~~full performance of their professional duties. However, in such a~~
 25 ~~performance, any title used must be in accord with § 17-97-307.~~ Nothing in
 26 this chapter prevents the teaching of psychology, or the conduct of
 27 psychological research by licensed or unlicensed psychologists or other
 28 licensed or unlicensed professionals under the laws of Arkansas, if the
 29 teaching or research does not involve the delivery or supervision of direct
 30 services to individuals who are themselves, rather than a third party, the
 31 intended beneficiaries of the services without regard to the source or extent
 32 of payment for services rendered.

33 (2) Nothing in this chapter prevents the provision of expert
 34 testimony by psychologists who are exempted by this chapter.

35 (3) Persons holding an earned doctoral degree in psychology from
 36 an institution of higher education may use the title "Psychologist" in

1 conjunction with the activities permitted in this subsection.

2 ~~(b) Students of psychology, psychological interns, and other persons~~
3 ~~preparing for the profession of psychological examiner or psychologist may~~
4 ~~perform as a part of their training the functions specified in § 17-97-102,~~
5 ~~but only under qualified supervision. Nothing in this chapter prevents~~
6 ~~members of other professions licensed under the laws of Arkansas from~~
7 ~~rendering services within the scope of practice as set out in the statutes~~
8 ~~regulating their professional practices, if they do not represent themselves~~
9 ~~to be psychologists or psychological examiners.~~

10 ~~(c) Use of psychological techniques by government institutions,~~
11 ~~businesses, and industrial organizations for employment purposes, evaluation,~~
12 ~~promotion, or job adjustment of their own officers or employees or by~~
13 ~~employment agencies for the evaluation of their own clients prior to~~
14 ~~recommendation for employment is also specifically allowed. However, no~~
15 ~~industrial or business firm or corporation may sell or offer to the public or~~
16 ~~to other firms or corporations for remuneration any psychological services as~~
17 ~~specified in § 17-97-102, unless the services are performed or supervised by~~
18 ~~individuals duly and appropriately licensed under this chapter. Nothing in~~
19 ~~this chapter prevents recognized members of the clergy from functioning in~~
20 ~~their ministerial capacities, if they do not represent themselves to be~~
21 ~~psychologists or psychological examiners, or their services to be~~
22 ~~psychological services.~~

23 ~~(d) Nothing in this chapter prevents students of psychology,~~
24 ~~psychological interns, psychological residents, and other persons preparing~~
25 ~~for the profession of psychology from performing as a part of their training~~
26 ~~the functions specified in § 17-97-102, but only under qualified supervision.~~

27
28 SECTION 3. Arkansas Code § 17-97-104 is repealed.

29 ~~17-97-104. Exceptions—Certain employees of state agencies.~~

30 ~~(a) State agencies and institutions may continue to employ state~~
31 ~~employees not licensed under this chapter who, as of July 1, 1979, have been~~
32 ~~continuously employed by their present agencies for a period of more than~~
33 ~~seven (7) years, whose primary job descriptions are that of psychological~~
34 ~~service providers, who have master's degrees from accredited colleges, and~~
35 ~~who are within twelve (12) years and six (6) months of meeting the minimum~~
36 ~~requirement for full retirement under the Social Security Act.~~

1 ~~(b) Notwithstanding the provisions of this section or any other law,~~
 2 ~~the University of Arkansas for Medical Sciences, commonly known as the~~
 3 ~~University of Arkansas Medical Center, may continue to employ individuals who~~
 4 ~~have been employed by it continuously for at least three (3) years and who~~
 5 ~~are not licensed under this chapter to perform psychological services,~~
 6 ~~provided that the services are performed under the immediate supervision of a~~
 7 ~~licensed psychologist employed by the center.~~

8 ~~(c) It is the purpose and intent of this section to require all~~
 9 ~~psychological service providers, except as specifically otherwise provided in~~
 10 ~~this section, to conform to the licensing requirements of this chapter and~~
 11 ~~thereby to protect the public's health and welfare by ensuring competence in~~
 12 ~~the delivery of those services.~~

13
 14 SECTION 4. Arkansas Code § 17-97-201(a), concerning creation and
 15 membership of the Arkansas Board of Examiners in Psychology, is amended to
 16 read as follows:

17 (a)(1) ~~There is created the Arkansas Board of Examiners in Psychology~~
 18 Arkansas Psychology Board, which shall consist of ~~eight (8)~~ nine (9) members
 19 who shall be appointed by the Governor for terms of five (5) years.

20 (2) The Governor shall appoint:

21 (A) ~~Two (2) academic psychologists~~ One (1) academic
 22 psychologist engaged in full-time teaching, ~~except that when a vacancy arises~~
 23 ~~in an academic psychologist position after March 1, 1995, that academic~~
 24 ~~psychologist position is abolished, and thereafter, an additional~~
 25 ~~psychological examiner engaged in the full-time practice of psychology shall~~
 26 ~~be appointed to the board of psychology at the graduate level at an approved~~
 27 institute of higher learning or holding an active faculty appointment in an
 28 American Psychological Association approved pre or post doctoral internship
 29 program;

30 (B)(i) ~~Three (3)~~ Four (4) practicing psychologists engaged
 31 in the full-time practice of psychology with at least one (1) psychologist
 32 engaged in the full-time, private practice of psychology.

33 (ii) The Governor shall ensure that the psychologist
 34 members reflect a diversity of practice specialties, including but not be
 35 limited to, clinical psychology, counseling psychology, health psychology,
 36 neuropsychology, and school psychology;

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

9 (D) Two (2) persons who are not actively engaged in or
10 retired from the practice of psychology who shall be voting members at-large.

11 ~~(3)(A) The academic psychologists, practicing psychologists, and~~
12 ~~psychological examiners shall be appointed from a list of nominees provided~~
13 ~~by the Arkansas Psychological Association, the Arkansas Association of~~
14 ~~Psychological Examiners, and from any other list which has attached thereto~~
15 ~~the signatures of at least twenty (20) licensed psychologists or~~
16 ~~psychological examiners.~~

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

23 (B)(i) Each nomination shall be transmitted to the
24 Governor within twenty (20) days after a vacancy occurs.

25 (ii) The Governor may disregard the nominees whose
26 names were not transmitted prior to the expiration of the twenty-day period.

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

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

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

35 (iv) Both shall be full voting members but shall not
36 ~~participate in the~~ vote on or participate in the administration or grading of

1 examinations of applicants for licensure.

2 (D)(i) Any public member appointed under subdivision
3 (a)(2)(D) of this section after July 28, 1995, must be an Arkansas resident
4 and must have resided in Arkansas for at least five (5) years immediately
5 preceding appointment.

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

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

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

21 (C) To the extent possible, psychologists and
22 psychological examiner board members shall be members or fellows of state or
23 national professional organizations, such as the Arkansas Psychological
24 Association, the Arkansas Association of Masters in Psychology, or the
25 American Psychological Association.

26 (5)(A) The Governor shall fill all vacancies on the board within
27 thirty (30) days after the vacancy occurs. The Arkansas Psychological
28 Association, the Arkansas Association of Psychological Examiners, and other
29 interested licensed psychologists and psychological examiners shall transmit
30 their nominees to the Governor no later than forty (40) days prior to the
31 expiration of board members' terms, and, at least thirty (30) days before the
32 expiration of the term of any board member, the Governor shall appoint the
33 person to replace the board member when the term expires.

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

1 (C) The Governor shall remove any member from the board if
2 he or she:

3 (i) Ceases to be qualified;

4 (ii) Fails to attend three (3) successive board
5 meetings without just cause as determined by the board;

6 (iii) Is found to be in violation of this chapter;

7 (iv) Pleads guilty or nolo contendere to, or is
8 found guilty of a felony or an unlawful act involving moral turpitude by a
9 court of competent jurisdiction; or

10 (v) Pleads guilty or nolo contendere to, or is found
11 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
12 board duties by a court of competent jurisdiction.

13
14 SECTION 5. Arkansas Code § 17-97-202(a), concerning the organization
15 and proceedings of the Arkansas Board of Examiners in Psychology is amended
16 to read as follows:

17 (a) ~~The Arkansas Board of Examiners in Psychology~~ Arkansas Psychology
18 Board shall meet and organize by electing a chair, secretary, and treasurer.

19
20 SECTION 6. Arkansas Code § 17-97-203 is amended to read as follows:
21 17-97-203. Powers and duties.

22 ~~The Arkansas Board of Examiners in Psychology~~ Arkansas Psychology Board
23 shall:

24 (1) Be empowered to hire ~~such~~ assistants as ~~are~~ necessary to carry on
25 its activities, within the limits of funds available to the board;

26 (2) Be empowered to accept grants from foundations or institutions;

27 (3) From time to time adopt ~~such~~ rules and regulations that comply
28 with national guidelines and standards as it may deem necessary for the
29 performance of its duties;

30 (4) Examine and pass upon the qualifications of the applicants for the
31 practice of psychology as provided; and

32 (5) Adopt a code of ethics of the American Psychological Association
33 to govern appropriate practices or behavior as referred to herein and file
34 the code with the Secretary of State within thirty (30) days prior to the
35 effective date of the code of ethics.

36

1 SECTION 7. Arkansas Code § 17-97-204(a), concerning collection
2 and disposition of fees by the Arkansas Board of Examiners in Psychology, is
3 amended to read as follows:

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

9
10 SECTION 8. Arkansas Code § 17-97-302(a), concerning applications and
11 qualifications of psychologists, is amended to read as follows:

12 (a) Any person wishing to obtain the right to practice as a
13 psychologist in this state who has not heretofore been licensed to do so
14 shall make application to the ~~Arkansas Board of Examiners in Psychology~~
15 Arkansas Psychology Board through the Chair of the ~~Arkansas Board of~~
16 ~~Examiners in Psychology~~ Arkansas Psychology Board in a form and in a manner
17 as shall be adopted and prescribed by the board and obtain from the board a
18 license to do so.

19
20 SECTION 9. Arkansas Code § 17-97-302, concerning applications and
21 qualifications of psychologists, is amended to add an additional subsection
22 to read as follows:

23 (c) Notwithstanding requirements for licensure as outlined in this
24 chapter, the board shall issue a senior psychologist license to an applicant
25 who has:

26 (1) At least twenty (20) years of licensure to practice
27 psychology in a state of the United States or in Canada if that license was
28 based on a doctoral degree;

29 (2) Received no disciplinary sanction during the entire period
30 of licensure;

31 (3) Passed the Arkansas complementary examination; and

32 (4) Tendered the appropriate application and fees as required
33 under this chapter or the rules and regulations of the board.

34
35 SECTION 10. Arkansas Code § 17-97-303 is amended to read as follows:
36 17-97-303. Psychological examiners - Application - Qualifications.

1 (a) Any person wishing to obtain the right to practice as a
 2 psychological examiner who has not heretofore been licensed to do so shall
 3 make application to the ~~Arkansas Board of Examiners in Psychology~~ Arkansas
 4 Psychology Board through the chair of the ~~Arkansas Board of Examiners in~~
 5 ~~Psychology~~ Arkansas Psychology Board upon a form and in the manner as shall
 6 be adopted and prescribed by the board and shall obtain from the board a
 7 license to do so.

8 (b)(1) A candidate for a license shall furnish the board with
 9 satisfactory evidence that he or she:

10 (A) Is of good moral character;

11 (B) Has a master's degree in psychology or a closely
 12 related field from an accredited educational institution recognized by the
 13 board as maintaining satisfactory standards;

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

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

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

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

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

26 (c) The board shall apply through its rules and regulations the
 27 qualifications of supervising psychologists and the restrictions and
 28 reporting requirements of supervision so as to implement the intent of this
 29 chapter without restricting the professional integrity of the psychological
 30 examiner and psychologist or the ultimate responsibility of the supervising
 31 psychologist.

32
 33 SECTION 11. Arkansas Code § 17-97-304(a)(1), concerning examinations
 34 by the Arkansas Board of Examiners in Psychology, is amended to read as
 35 follows:

36 (a)(1) Examination of applicants for a license to practice as a

1 psychologist or as a psychological examiner shall be made by the ~~Arkansas~~
2 ~~Board of Examiners in Psychology~~ Arkansas Psychology Board at least once a
3 year according to methods and in such subject fields as may be deemed by the
4 board to be the most practical and expeditious to test the applicant's
5 qualifications.

6
7 SECTION 12. Arkansas Code § 17-97-305(a), concerning issuance of
8 licenses to practice psychology, is amended to read as follows:

9 (a) LICENSE TO PRACTICE PSYCHOLOGY. The ~~Arkansas Board of Examiners in~~
10 ~~Psychology~~ Arkansas Psychology Board shall be the sole agency empowered to
11 examine candidates concerning competence in the practice of psychology and to
12 grant license for the practice of psychology at the appropriate level. The
13 license shall be signed by the Chair of the ~~Arkansas Board of Examiners in~~
14 ~~Psychology~~ Arkansas Psychology Board and attested by the Secretary of the
15 ~~Arkansas Board of Examiners in Psychology~~ Arkansas Psychology Board under the
16 seal of the board, whereupon a proper license shall be issued in accordance
17 with this chapter.

18
19 SECTION 13. Arkansas Code § 17-97-306 is amended to read as follows:
20 17-97-306. Reciprocity.

21 At its discretion, the ~~Arkansas Board of Examiners in Psychology~~
22 Arkansas Psychology Board may grant a certificate without an assembled
23 examination to any person residing or employed in the state who at the time
24 of application is licensed or certified by a similar board of another state
25 whose standards, in the opinion of the board, are not lower than those
26 required by this chapter or who has been practicing psychology in another
27 state and has qualifications not lower than those required by this chapter
28 and is able to satisfy the board that to grant him or her a license would be
29 in the public interest.

30
31 SECTION 14. Arkansas Code § 17-97-308(a), concerning annual
32 registration and failure to reregister licenses to practice psychology, is
33 amended to read as follows:

34 (a) ~~The Arkansas Board of Examiners in Psychology shall have authority~~
35 ~~to~~ Arkansas Psychology Board may adopt and enforce rules and regulations
36 requiring every person having a license to practice to pay an annual

1 registration fee in a sum to be fixed by the board.

2
3 SECTION 15. Arkansas Code § 17-97-309, concerning fees charged by the
4 Arkansas Board of Examiners in Psychology, is amended to read as follows:

5 (a)(1) There shall be paid to the Chair of the ~~Arkansas Board of~~
6 ~~Examiners in Psychology~~ Arkansas Psychology Board by each applicant for a
7 permanent license an application fee of two hundred dollars (\$200).

8 (2) An additional fee to be determined by the ~~Arkansas Board of~~
9 ~~Examiners in Psychology~~ Arkansas Psychology Board, but in no event to exceed
10 the sum of one hundred dollars (\$100), shall be paid as deemed necessary to
11 defray the cost of acquiring and administering the examination test and
12 related expenses in connection therewith.

13
14 SECTION 16. Arkansas Code § 17-97-310(a), concerning various actions
15 of the Arkansas Board of Examiners in Psychology in regard to licensure, is
16 amended to read as follows:

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

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

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

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

29 (4) Violation of the Arkansas Medical Practices Act, §§ 17-95-
30 201 - 17-95-207, 17-95-301 - 17-95-305, and 17-95-401 - 17-95-411;

31 (5) Practice of a level of psychology inappropriate to the
32 particular license held by the licentiate;

33 (6) Upon recommendation of the ethics committee of the Arkansas
34 Psychological Association or of the American Psychological Association;

35 (7) Negligence or wrongful actions in the performance of his or
36 her duties; or

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

3
4 SECTION 17. Arkansas Code 17-97-311(a), concerning investigative
5 proceedings by the Arkansas Board of Examiners in Psychology, is amended to
6 read as follows:

7 (a)(1)(A) The Arkansas Psychology Board may investigate or cause to be
8 investigated any allegation or evidence that appears to show that a person:

9 (i) Is practicing psychology without a license; or

10 (ii) A person licensed to practice in Arkansas, and
11 anyone under his or her supervision is, or may be, in violation of this
12 chapter or of any of the rules and regulations adopted by the board.

13 (B) The board shall adopt rules to ensure that:

14 (i) Any individual selected by the board to conduct
15 an investigation does not have a conflict of interest that would disqualify
16 the individual from being an impartial investigator in the matter being
17 investigated; and

18 (ii) Any investigation of a respondent in an
19 investigated matter involves the input of an advisor who possesses
20 qualification, experience, or both, substantially comparable to or greater
21 than that of the investigated respondent.

22 (2) The Arkansas Board of Examiners in Psychology board may not
23 recommend suspension, revocation, or any other penalty described in § 17-97-
24 310 affecting a certificate or license or refuse to issue or to renew any
25 certificate for any cause listed in this chapter unless the person accused
26 has been given at least twenty (20) days' notice in writing by registered
27 mail, with return receipt demanded, of the charges against the person and an
28 opportunity for a public hearing by the board.

29 ~~(2)(3)~~ (3) The written notice shall be mailed to the person's last
30 known address, but the nonappearance of the person shall not prevent such a
31 hearing.

32
33 SECTION 18. Arkansas Code § 17-97-312(a), concerning criminal
34 background checks for the Arkansas Board of Examiners in Psychology, is
35 amended to read as follows:

36 (a) Each first-time applicant for a license issued by the ~~Arkansas~~

1 ~~Board of Examiners in Psychology~~ Arkansas Psychology Board shall be required
2 to apply to the Identification Bureau of the Department of Arkansas State
3 Police for a state and national criminal background check to be conducted by
4 the Federal Bureau of Investigation.

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/s/ Steele

APPROVED: 4/21/2003