

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Bradford**

A Bill

ACT 955 OF 1995
SENATE BILL 698

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR AN ADDITIONAL PSYCHOLOGICAL
9 EXAMINER TO SERVE ON THE BOARD OF EXAMINERS IN PSYCHOLOGY
10 WHEN THE TERM OF OFFICE OF AN ACADEMIC PSYCHOLOGIST
11 EXPIRES; AND FOR OTHER PURPOSES."

Subtitle

14 "TO PROVIDE FOR AN ADDITIONAL
15 PSYCHOLOGICAL EXAMINER TO SERVE ON THE
16 BOARD OF EXAMINERS IN PSYCHOLOGY WHEN
17 THE TERM OF OFFICE OF AN ACADEMIC
18 PSYCHOLOGIST EXPIRES."

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

22 SECTION 1. Arkansas Code 17-96-102(a) is amended to read as follows:

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

27 (1) A person practices as a psychological examiner within the
28 meaning of this chapter when he holds himself out to be a psychological
29 examiner, or renders to individuals or to the public for remuneration any
30 service involving the application of recognized principles, methods, and
31 procedures of the science and profession of psychology. Psychological
32 examiners independently provide services such as interviewing or administering
33 and interpreting tests of mental abilities, aptitudes, interests and
34 personality characteristics, for the purposes of psychological evaluation to
35 assist in the determination of educational or vocational selection, guidance,

1 or placement. The psychological examiner practices *the following only under*
2 *the supervision of a qualified psychologist:* overall personality appraisal,
3 including projective and objective testing classification of mental health
4 disorders, personality counseling, psychotherapy, neuropsychological
5 evaluation or personality readjustment techniques;

6 (2) A person practices as a psychologist within the meaning of
7 this chapter when he holds himself out to be a psychologist, or renders to
8 individuals or to the public for remuneration any service involving the
9 application of recognized principles, methods, and procedures of the science
10 and profession of psychology, such as interviewing or administering and
11 interpreting tests of mental abilities, aptitudes, interests, and personality
12 characteristics, for such purposes as psychological evaluation or for
13 educational or vocational selection, guidance, or placement, or for such
14 purposes as overall personality appraisal or classification, personality
15 counseling, psychotherapy, personality readjustment or neuropsychological
16 evaluation."

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18 SECTION 2. Arkansas Code 17-96-201(a) is amended to read as follows:

19 "(a) There is created the Arkansas Board of Examiners in Psychology,
20 which shall consist of eight (8) members who shall be appointed by the
21 Governor for terms of five (5) years.

22 (1) The Governor shall appoint:

23 (A) Two (2) academic psychologists engaged in full time
24 teaching, except that when a vacancy arises in an academic psychologist
25 position after March 1, 1995, that academic psychologist position is
26 abolished, and thereafter, an additional psychological examiner engaged in the
27 full time practice of psychology shall be appointed to the board;

28 (B) Three practicing psychologists engaged in full time
29 practice of psychology;

30 (C) One psychological examiner engaged in full time
31 practice of psychology, except that as provided in paragraph (A) above, when a
32 vacancy arises in an academic psychologist position after March 1, 1995, that
33 academic psychologist position is abolished, and thereafter, an additional
34 psychological examiner engaged in the full time practice of psychology shall
35 be appointed to the board, and from then on, two (2) psychological examiners

1 shall serve on the board; and

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

4 (2) The academic psychologists, practicing psychologists and
5 psychological examiners shall be appointed from a list of nominees provided by
6 the Arkansas Psychological Association, the Arkansas Association of
7 Psychological Examiners and any other list which has attached thereto the
8 signatures of at least twenty (20) licensed psychologists or psychological
9 examiners. Each nomination shall be transmitted to the Governor within twenty
10 (20) days after a vacancy occurs. The Governor may disregard the nominees
11 whose names were not transmitted prior to the expiration of the twenty (20)
12 day period. Of the two members appointed pursuant to (a) (1) (D), one (1)
13 member shall represent consumers, and one (1) member shall be sixty (60) years
14 of age or older and shall represent the elderly. Both shall be appointed from
15 the state at large subject to confirmation by the Senate. The two (2)
16 positions may not be held by the same person. Both shall be full voting
17 members but shall not participate in the grading of examinations. Any public
18 member appointed under (a) (1) (D) after the effective date of this 1995 act
19 must be an Arkansas resident and must have resided in Arkansas for at least
20 five years immediately preceding appointment. Furthermore, such person must
21 never have been a psychologist or psychological examiner, an applicant or
22 former applicant for licensure as a psychologist or psychological examiner, a
23 member of another mental health profession, a member of a household that
24 includes a psychologist or psychological examiner or otherwise have conflicts
25 of interest or the appearance of conflicts with his or her duties as a board
26 member.

27 (3) Each psychologist and psychological examiner appointed to the
28 board after the effective date of this 1995 act must reside within the state
29 of Arkansas, hold a current valid license to practice and must have been
30 licensed to practice psychology in Arkansas for at least five years
31 immediately preceding their appointment to the board. At the time of
32 appointment each such member must be free of any conflict of interest and the
33 appearance of any conflict with his or her duties as a member of the board.

34 (4) The governor shall fill all vacancies on the board within
35 thirty (30) days after the vacancy occurs. The Arkansas Psychological

1 Association, the Arkansas Association of Psychological Examiners and other
2 interested licensed psychologists and psychological examiners shall transmit
3 their nominees to the governor no later than forty (40) days prior to the
4 expiration of board members_ terms and the governor shall, at least thirty
5 (30) days before the expiration of the term of any board member, appoint the
6 person to replace the board member when the term expires. The governor may
7 disregard the nominees of any association which fails to transmit the names of
8 the nominees at least forty (40) days prior to the expiration of the term of
9 office."

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11 SECTION 3. Arkansas Code 17-96-202(c) is amended to read as follows:

12 "(c) A majority of the members of the board shall at all times
13 constitute a quorum."

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15 SECTION 4. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 5. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 6. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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/s/Bradford

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29 APPROVED: 4-6-95

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