

1 State of Arkansas As Engrossed: H2/2/23 H4/3/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1173

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5 By: Representatives Evans, *Wooldridge, L. Johnson*

6 By: Senator K. Hammer

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For An Act To Be Entitled

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AN ACT TO REPEAL THE PROHIBITION ON LICENSING NEW
PSYCHOLOGICAL EXAMINERS; AND FOR OTHER PURPOSES.

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Subtitle

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TO REPEAL THE PROHIBITION ON LICENSING
NEW PSYCHOLOGICAL EXAMINERS.

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

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20 *SECTION 1. Arkansas Code § 17-97-102(a)(2), concerning the definition*
21 *of "psychological examiner", is amended to read as follows:*

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(2)~~(A)~~ "Psychological examiner" means a person who holds himself
or herself out to be a psychological examiner or renders to individuals or to
the public for remuneration of any service involving the practice of
psychology either:

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~~(i)~~(A) Independently interviewing or administering
and interpreting tests of mental abilities, aptitudes, interests, and
personality characteristics for the purposes of psychological evaluation to
assist in the determination of diagnosis of mental health disorders or
educational or vocational selection, guidance, or placement; or

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~~(ii)~~(B) Only under the supervision of a qualified
psychologist if the service is not listed in subdivision (a)(2)(A)~~(i)~~ of this
section.

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~~(B)(i) A psychological examiner licensed before December~~
~~31, 1997, shall be granted independent practice except in neuropsychological~~
~~assessment and projective personality assessment upon the Arkansas Psychology~~



1 ~~Board's receiving a letter requesting independent practice and a revised~~
2 ~~statement of intent.~~

3 ~~(ii) Additional hours of clinical supervision are~~
4 ~~not required for a license granted under subdivision (a)(2)(B)(i) of this~~
5 ~~section.~~

6 ~~(C) A psychological examiner licensed after December 31,~~
7 ~~1997, is privileged to practice independently except in neuropsychological~~
8 ~~assessment and projective personality assessment, if the person:~~

9 ~~(i) Has completed a master's degree program in~~
10 ~~psychology;~~

11 ~~(ii) Has completed three thousand (3,000) hours of~~
12 ~~approved clinical supervised training after making application for~~
13 ~~independent practice; and~~

14 ~~(iii) Has filed a revised statement of intent with~~
15 ~~the board and has provided documentation of having received appropriate~~
16 ~~training and experience in those areas requested for independent practice.~~

17 ~~(D) After December 31, 2013, a new psychological examiner~~
18 ~~license shall not be issued; and~~

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20 SECTION 2. Arkansas Code § 17-97-102(a), concerning definitions
21 related to the practice of psychology, is amended to add an additional
22 subdivision to read as follows:

23 (4) "Forensic psychological assessment" means the practice of
24 psychology when applied to scientific, technical, or specialized knowledge of
25 psychology to the law to assist in addressing legal, contractual, and
26 administrative matters, including without limitation:

27 (A) Fitness to proceed evaluations;

28 (B) Criminal responsibility and culpable mental state
29 evaluations;

30 (C) Hearings related to eligibility for death penalty for
31 a person with an intellectual disability;

32 (D) Mitigation evaluations;

33 (E) Evaluations concerning a person's capacity to waive
34 Miranda rights;

35 (F) Civil damages, personal injury, disability, and
36 worker's compensation evaluations;

- 1 (G) Parental fitness and child custody evaluations;
- 2 (H) Evaluations related to guardianship and testamentary
- 3 capacity; and
- 4 (I) Evaluation concerning juvenile transfers and waivers
- 5 hearings.

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7 SECTION 3. Arkansas Code § 17-97-303(d), concerning the application
8 and qualifications of psychological examiners, is amended to read as follows:

9 (d)(1)(A) A psychological examiner licensed before December 31, 1997,
10 shall be granted independent practice except in neuropsychological
11 assessment, forensic psychological assessment, and projective personality
12 assessment upon the board's receiving a letter requesting independent
13 practice and a revised statement of intent.

14 (B) No additional hours of clinical supervision shall be
15 required for a license granted under subdivision (d)(1)(A) of this section.

16 (2) A psychological examiner licensed after December 31, 1997,
17 shall be privileged to practice independently except in neuropsychological
18 assessment, forensic psychological assessment, and projective personality
19 assessment, if the person:

20 (A) Has completed a master's degree program in psychology;

21 (B) Has completed three thousand (3,000) hours of approved
22 clinical supervised training after making application for independent
23 practice; and

24 (C) Has filed a revised statement of intent with the board
25 and has provided documentation of having received appropriate training and
26 experience in those areas requested for independent practice.

27 (3) ~~After December 31, 2013, no new psychological examiner~~
28 license shall be issued A psychological examiner licensed after December 31,
29 2024, shall not be granted independent practice status if he or she submits
30 an application to the board for independent practice.

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32 /s/Evans

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35 **APPROVED: 4/11/23**