

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1630

"AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE TO PROVIDE
INDEPENDENT PRACTICE OF PSYCHOLOGY BY QUALIFIED PERSONS."

Amendment No. 1 to House Bill No. 1630.

Amend House Bill No. 1630 as originally introduced:

Add Representatives Green, Ormond, McMellon, Eason, L. Thomas, Dees, T. Steele, White, C. Johnson, Lewellen and Roebuck as cosponsors of the bill

AND

Add Senators Miller and Critcher as cosponsors of the bill

AND

Delete everything after the Enacting Clause and substitute

"SECTION 1. Arkansas Code 17-97-102(a) is amended to read as follows:

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

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

(B) Psychological examiners independently provide services such as 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 educational or vocational selection, guidance, or placement.

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

- (i) Overall personality appraisal, including projective and objective testing classification of mental health disorders;
- (ii) Personality counseling;
- (iii) Psychotherapy;

- (iv) Neuropsychological evaluation; or
- (v) Personality readjustment techniques;

(D) With board approval, a psychological examiner who has completed three (3) years of one (1) hour per week face-to-face supervision by a licensed psychologist or has received the equivalent as determined by the board, will be privileged to practice independently and will no longer require supervision for the purpose of providing psychotherapy or mental health counseling and diagnosis.

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

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

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

(1) The Governor shall appoint:

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

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

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

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

(2) The academic psychologists, practicing psychologists, and psychological examiners shall be appointed from a list of nominees provided by the Arkansas Psychological Association, the Arkansas Association of Psychological Examiners, and from any other list which has attached thereto the signatures of at least twenty (20) licensed psychologists or psychological examiners.

(A) Each nomination shall be transmitted to the Governor within twenty (20) days after a vacancy occurs. The Governor may disregard

the nominees whose names were not transmitted prior to the expiration of the twenty-day period.

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

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

(ii) The two (2) positions may not be held by the same person.

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

(C)(i) Any public member appointed under subdivision (a)(1)(D) of this section after July 28, 1995, must be an Arkansas resident, and must have resided in Arkansas for at least five (5) years immediately preceding appointment.

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

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

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

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

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

SECTION 3. Arkansas Code 17-97-303 is amended to read as follows:
17-97-303. Psychological examiners - Application - Qualifications.

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

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

(A) Is of good moral character;

(B) Has had two (2) academic years of graduate training in psychology, including a master's degree from an accredited educational institution recognized by the board as maintaining satisfactory standards or, in lieu thereof, such training and experience as the board shall consider equivalent;

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

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

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

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

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

(3) Any person who meets the qualifications set forth in subsection (b) of this section and who also has completed three (3) years of supervised practice may be granted independent practice by the Arkansas Board of Examiners in Psychology.

SECTION 4. Arkansas Code 17-97-310(c) is amended to read as follows:

(c)(1) Upon satisfactory proof that any applicant or licensee has been guilty of any of the above offenses, the board may refuse to grant a certificate to the applicant or may revoke a license of the licensee upon a vote of ~~at least three (3) members~~ a majority of the board ~~members~~.

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

The Amendment was read _____
By: Representative Carson
PBB/RTK - 031320010900
RTK169

Chief Clerk