

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 133

"AN ACT TO CLARIFY THE ROLE OF PSYCHOLOGISTS AND PSYCHOLOGICAL
EXAMINERS."

Amendment No. 1 to Senate Bill No. 133.

Amend Senate Bill No. 133 as originally introduced:

Add the following Senators as cosponsors of the bill: Altes, Madison,
Whitaker

AND

Add the following Representatives as cosponsors of the bill: Bradford,
Mahony, Judy, Wood, Lendall, Martin, Penix

AND

Delete the Title and substitute the following:

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

AND

Delete the Subtitle and substitute the following:

"AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE, RELATING
TO PSYCHOLOGISTS AND PSYCHOLOGICAL EXAMINERS."

AND

Delete everything after the Enactment clause in its entirety and substitute
the following:

"SECTION 1. Arkansas Code § 17-97-102 is amended to read as follows:
17-97-102. Definitions - Levels of practice of psychology.

(a)(1) "Practice of psychology" means the observation, description,
evaluation, interpretation, or modification of human behavior by a person who
holds an advanced graduate degree in psychology and is trained in the
application of psychological principles, methods, or procedures, for one (1)
or more of the following purposes:



(A) Preventing or eliminating symptomatic, maladaptive, or undesired behavior;

(B) Enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health; and

(C) Consultation, teaching, and research.

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

(A) Testing and measuring, which consists of the interpretation of tests measuring personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, achievements, motives, personality dynamics, psychoeducational processes, neuropsychological brain functioning, and other psychological attributes of individuals or groups;

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

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

(a) Counseling;

(b) Psychotherapy;

(c) Marital and family therapy;

(d) Group therapy;

(e) Behavior therapy;

(f) Psychoanalysis;

(g) Hypnosis;

(h) Biofeedback;

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

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

(C) Psychological consulting, which consists of:

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

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

(iii) Evaluating and engaging in applied psychological research;

(iv) Program or organizational development; and

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

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

(B) The practice of psychology may be rendered whether or not payment is received for services rendered.

~~(a)~~(b) 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 or she holds himself or herself 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 the practice 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:~~

- ~~(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; and~~

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

(2) A person practices as a "psychologist" within the meaning of this chapter when he or she holds himself or herself 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~~ the practice of psychology.

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

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

~~(a)(1) Nothing in this chapter shall be construed to limit the professional pursuits of teachers and counselors in recognized public and private schools, clergymen, practitioners of medicine, or social workers from full performance of their professional duties. However, in such a performance, any title used must be in accord with § 17-97-307. Nothing in~~

this chapter prevents the teaching of psychology, or the conduct of psychological research, if the teaching or research does not involve the delivery or supervision of direct psychological services to individuals who are themselves, rather than a third party, the intended beneficiaries of the services without regard to the source or extent of payment for services rendered.

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

(3) Persons holding an earned doctoral degree in psychology from an institution of higher education may use the title "Psychologist" in conjunction with the activities permitted in this subsection.

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

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

(d)(1) A person, not licensed by the Arkansas Psychology Board may perform services related to the development of a diagnosis or delivery of a service determined by the responsible psychologist to be clinically warranted and necessary, if the person:

(A) Possesses one (1) or more of the qualifications under subdivision (d)(2) of this section;

(B) Is otherwise trained, qualified, and supervised by a licensed psychologist; and

(C) Does not represent himself or herself with either the title "Psychologist" or "Psychological Examiner".

(2) A person may use the terms "Psychology Trainee," "Psychology Intern," "Psychology Resident," "Psychology Technician," or "Psychology Assistant" if:

(A) The person performs the activities under the supervision and responsibility of a licensed psychologist in accordance with the rules and regulations promulgated by the board in accord with national guidelines or standards; and

(B) The person is either:

(i) A matriculated graduate student whose activities

constitute a part of the course of study for a graduate degree in professional psychology at an institution of higher education;

(ii) An individual pursuing postdoctoral training or experience in professional psychology, including persons seeking to fulfill the requirements for licensure under this chapter, unless the individual has applied for and have received a provisional license; or

(iii) A psychology technician or assistant employed by, or otherwise directly accountable to, a licensed psychologist.

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

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

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

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

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

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

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

(2) The Governor shall appoint:

(A) ~~Two (2) academic psychologists~~ One (1) academic 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 of psychology at the graduate level at an approved institute of higher learning or holding an active faculty appointment in an American Psychological Association approved pre or post doctoral internship program;~~

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

(ii) The Governor shall ensure that the psychologist members reflect a diversity of practice specialties, including but not be

limited to, clinical psychology, counseling psychology, health psychology, neuropsychology, and school psychology;

~~(C) One (1) psychological examiner~~ Two (2) psychological examiners engaged in the full-time practice of psychology, ~~except that, as provided in subdivision (a)(2)(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; and~~

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

(3)(A)(i) ~~The academic psychologists~~ psychologist, and the 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 or~~ from any other list which has ~~attached thereto~~ the signatures of at least twenty (20) licensed psychologists ~~or psychological examiners attached.~~

(ii) The psychological examiner members shall be appointed by the Governor from a list of nominees submitted by the Arkansas Association of Masters in Psychology or from a list that has the signatures of at least twenty (20) licensed psychological examiners attached.

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

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

(C)(i) Of the two (2) members appointed pursuant to subdivision (a)(2)(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.

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

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

(iv) Both shall be full voting members but shall not ~~participate in the vote on or participate in the administration or grading of examinations~~ of applicants for licensure.

(D)(i) Any public member appointed under subdivision (a)(2)(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, the 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.

(4)(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.

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

(5)(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, at least thirty (30) days before the expiration of the term of any board member, the Governor shall 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.

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

- (i) Ceases to be qualified;
- (ii) Fails to attend three (3) successive board meetings without just cause as determined by the board;
- (iii) Is found to be in violation of this chapter;
- (iv) Pleads guilty or nolo contendere to, or is found guilty of a felony or an unlawful act involving moral turpitude by a court of competent jurisdiction; or
- (v) Pleads guilty or nolo contendere to, or is found guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her board duties by a court of competent jurisdiction.

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

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

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

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

- (1) Be empowered to hire ~~such~~ assistants as ~~are~~ necessary to carry on its activities, within the limits of funds available to the board;
- (2) Be empowered to accept grants from foundations or institutions;
- (3) From time to time adopt ~~such~~ rules and regulations that comply with national guidelines and standards, such as those recommended by Division 40 of the American Psychological Association regarding the education, training, and supervision of technicians or assistants who are employed or otherwise contracted by licensed psychologists to gather and collect psychological test data, and other national standards of practice as it may

deem necessary for the performance of its duties;

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

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

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

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

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

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

SECTION 9. 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~~ Arkansas Psychology Board through the chair of the ~~Arkansas Board of Examiners in Psychology~~ Arkansas Psychology Board upon a form and in the manner as shall be adopted and prescribed by the board and shall 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 or she:

- (A) Is of good moral character;
- (B) Has a master's degree in psychology or a closely related field from an accredited educational institution recognized by the board as maintaining satisfactory standards;
- (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.

(c)(1) No individuals other than those applying for renewal of licensure shall be licensed as a psychological examiner under this chapter after December 31, 2007.

(2) Applicants for licensure as a psychological examiner between the effective date of this subsection (c) and December 31, 2007, shall meet the same standards and requirements for licensure as applicants for psychological examiner status before the enactment of this subsection (c).

(d)(1) The board shall apply through its rules and regulations the qualifications of supervising psychologists and the restrictions and reporting requirements of supervision so as to implement the intent of this chapter without restricting the professional integrity of the psychological examiner and psychologist or the ultimate responsibility of the supervising psychologist.

(2) A licensed psychological examiner who has met the qualifications outlined in subdivision (d)(4) of this subsection may apply to the board for approval to practice as a senior psychological examiner.

(3)(A) The board shall make certain that the senior psychological examiner practices independently, in accordance with the statement of intent to practice, submitted to the board by the psychological examiner.

(B) The statement of intent to practice shall delineate, and be consistent with, the credentials, qualifications, training, and experience of the psychological examiner to independently provide services to the public.

(C) A psychological examiner who qualifies to practice as a senior psychological examiner under this subsection (d) shall identify to the board a licensed psychologist with whom he or she will maintain a formal relationship.

(4) The qualifications that a psychological examiner shall meet to apply for approval to practice as a senior psychological examiner include:

(A) Passing the national Examination for Professional Practice in Psychology, at the passing point for psychologists;

(B) Completion of two-hundred fifty (250) hours of supervision by a licensed psychologist over not less than five (5) years;

(C) Completion of a minimum of six (6) hours of continuing education in ethical and legal issues in psychological practice; and

(D) Tendering the appropriate application and fees as required under this chapter or the rules and regulations of the board.

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

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

(B) Received no disciplinary sanction during the entire period of licensure;

(C) Passed the Arkansas complementary examination; and

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

SECTION 10. Arkansas Code § 17-97-304(a)(1), concerning examinations by the Arkansas Board of Examiners in Psychology, is amended to read as follows:

(a)(1) Examination of applicants for a license to practice as a psychologist or as a psychological examiner shall be made by the ~~Arkansas Board of Examiners in Psychology~~ Arkansas Psychology Board at least once a year according to methods and in such subject fields as may be deemed by the board to be the most practical and expeditious to test the applicant's qualifications.

SECTION 11. Arkansas Code § 17-97-305(a), concerning issuance of licenses to practice psychology, is amended to read as follows:

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

SECTION 12. Arkansas Code § 17-97-306 is amended to read as follows: 17-97-306. Reciprocity.

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

SECTION 13. Arkansas Code § 17-97-308(a), concerning annual registration and failure to reregister licenses to practice psychology, is amended to read as follows:

(a) The ~~Arkansas Board of Examiners in Psychology~~ shall have authority ~~to~~ to ~~Arkansas Psychology Board~~ Arkansas Psychology Board may adopt and enforce rules and regulations requiring every person having a license to practice to pay an annual registration fee in a sum to be fixed by the board.

SECTION 14. Arkansas Code § 17-97-309, concerning fees charged by the Arkansas Board of Examiners in Psychology, is amended to read as follows:

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

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

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

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

- (1) The employment of fraud or deception in applying for a license or in passing the examination provided for in this chapter;
- (2) The practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name;
- (3) Habitual intemperance in the use of ardent spirits, narcotics, or stimulants to such an extent as to incapacitate the licensee or applicant for the performance of his or her duties;
- (4) Violation of the Arkansas Medical Practices Act, §§ 17-95-201 - 17-95-207, 17-95-301 - 17-95-305, and 17-95-401 - 17-95-411;
- (5) Practice of a level of psychology inappropriate to the particular license held by the licensee;
- (6) Upon recommendation of the ethics committee of the Arkansas Psychological Association or of the American Psychological Association;
- (7) Negligence or wrongful actions in the performance of his or her duties; or
- (8) A violation of any rule or regulation of this board or the rules of ethics as adopted by this board.

SECTION 16. Arkansas Code 17-97-311(a), concerning investigative proceedings by the Arkansas Board of Examiners in Psychology, is amended to read as follows:

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

- (i) Is practicing psychology without a license; or
- (ii) A person licensed to practice in Arkansas, and anyone under his or her supervision is, or may be, in violation of this chapter or of any of the rules and regulations adopted by the board.

(B) Any individual selected by the board to conduct an investigation shall be someone not licensed by the board and without any real, or apparent, conflict of interest that might disqualify the individual as an impartial and nonbiased investigator.

(C) A licensee subjected to investigation shall be notified before the investigation begins and may select a licensed peer of equivalent qualifications to serve on the board's panel of claims investigations.

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

~~(2)~~(3) The written notice shall be mailed to the person's last

known address, but the nonappearance of the person shall not prevent such a hearing.

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

(a) Each first-time applicant for a license issued by the ~~Arkansas Board of Examiners in Psychology~~ Arkansas Psychology Board shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Federal Bureau of Investigation."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Steele
MGF/CDS - 022620031522
JGR418

Secretary