

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senators Brown, Beebe and Boozman
5 By: Representatives Dietz, Curran, Choate, G. Hendrix, Jordan, McKissack, and
6 Capps

A Bill

SENATE BILL 535

For An Act To Be Entitled

10 "AN ACT TO REGULATE THE PRACTICE OF MARRIAGE AND FAMILY
11 THERAPY IN THE STATE OF ARKANSAS; TO CREATE A BOARD KNOWN
12 AS THE _ARKANSAS MARRIAGE AND FAMILY THERAPY LICENSURE
13 BOARD_; TO PRESCRIBE THE DUTIES AND POWERS OF SAID BOARD;
14 AND FOR OTHER PURPOSES."

Subtitle

15
16
17 "AN ACT TO REGULATE THE PRACTICE OF
18 MARRIAGE AND FAMILY THERAPY."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. This act may be cited as the "Arkansas Marriage and Family
23 Therapy Licensure Act".

24
25 SECTION 2: Policy and Purpose. Marriage and family therapy in the
26 State of Arkansas is declared to be a professional practice which affects the
27 public safety and welfare and requires appropriate regulation and control in
28 the public interest.

29 It is the purpose of this act to establish a regulatory agency, a
30 structure, and procedures which will ensure that the public is protected from
31 unprofessional, improper, unauthorized and unqualified practice of marriage
32 and family therapy. This act shall be liberally construed to carry out these
33 policies and purposes.

34
35 SECTION 3: Definitions. As used in this act, unless the context

1 clearly requires a different meaning:

2 a. "Advertise" means, but is not limited to, the issuing or causing to
3 be distributed any card, sign, or device to any person; or the causing,
4 permitting or allowing any sign or marking on or in any building radio or
5 television, or by advertising by any other means designed to secure public
6 attention.

7 b. "Board" means the Arkansas Marriage and Family Licensure Board.

8 c. "Licensed Marriage and Family Therapist" means a person to whom a
9 license has been issued pursuant to the provisions of this act, which license
10 is in force and not suspended or revoked as of the particular time in
11 question.

12 d. "Person" means any individual, firm corporation, partnership,
13 organization, body politic, or other legal entity.

14 e. "Practice of Marriage and Family Therapy" means the rendering of
15 professional marriage and family therapy services to individuals, couples and
16 families, singularly or in groups, for remuneration involving the application
17 of recognized principles, methods and procedures of the profession of
18 marriage and family therapy such as negotiation with family systems and
19 subsystems, thereof, for evaluation and treatment of problems related to
20 family conflicts and couple discord as well as behavioral problems in
21 children associated with family dysfunction. Nothing in this definition
22 shall be construed as permitting the use of those forms of psychotherapy
23 which involve the administration or prescription of drugs or in any way
24 infringes upon the practice of medicine as defined in the laws of the State
25 of Arkansas.

26 f. "Qualified Supervision" means the supervision of clinical services
27 in accordance with standards established by the Board under the supervision
28 of an individual who has been recognized by the Board as an approved
29 supervisor.

30 g. "Recognized Educational Institution" means any educational
31 institution which grants a Bachelor's, Master's, or Doctoral degree and which
32 is recognized by the Board of Marriage and Family Therapy Examiners and by
33 regionally recognized educational or nationally recognized professional
34 accrediting body, or, a post-graduate training institute accredited by the
35 Commission on Accreditation for Marriage and Family Therapy Education.

1 h. "Use a title or description of "means to hold oneself out to the
2 public as having a particular status by means of stating on signs, mailboxes,
3 address plates, stationery, announcements, calling cards or other instruments
4 of professional identification.

5

6 SECTION 4. PROHIBITED ACTS. Except as specifically provided elsewhere
7 in this act, commencing January 1, 1996, no person who is not licensed under
8 this act shall:

9 a. advertise the performance of marriage and family therapy or
10 counseling services by him or her;

11 b. use a title or description such as "marital or marriage therapist,
12 counselor, advisor or consultant," "marital or marriage and family therapist,
13 counselor advisor, or consultant," or any other name, style, or description
14 denoting that the person is a marriage and family therapist; or

15 c. practice marriage and family therapy.

16

17 SECTION 5. EXEMPTIONS. The following persons shall be exempt from the
18 licensure requirements of this act:

19 a. Persons practicing marriage and family therapy as part of his or
20 her duties as an employee of:

21 (1) a recognized academic institution, or a federal, state,
22 county, or local governmental institution or agency while performing those
23 duties for which he or she was employed by such an institution, agency or
24 facility;

25 (2) an organization which is nonprofit and which is determined
26 by the Board to meet community needs while performing those duties for which
27 he or she was employed by such an agency; or

28 b. Persons who are marriage and family therapy interns or persons
29 preparing for the practice of marriage and family therapy under qualified
30 supervision in a training institution or facility or supervisory arrangement
31 recognized and approved by the Board, provided he or she is designated by
32 such titles as "marriage and family therapy intern," "marriage therapy
33 intern," "family therapy intern," or others, clearly indicating such training
34 status; or

35 c. Persons who have been issued a temporary permit by the Board to

1 engage in the activities for which licensure is required.

2 d. Nothing in this act shall be construed to prevent qualified members
3 of other professional groups, including but not limited to physicians,
4 psychologists, members of the clergy, clinical social workers, licensed
5 professional counselors, psychiatric nurses, from doing or advertising that
6 they perform marriage and family therapy consistent with the accepted
7 standards of their respective professions. Provided, however, no such person
8 shall use a title or description stating or implying that they are licensed
9 as marriage and family therapist or marriage and family counselor.

10

11 SECTION 6. MARRIAGE AND FAMILY THERAPIST LICENSURE BOARD.

12 a. Establishment. There is hereby established as an agency of the
13 State of Arkansas the Arkansas Marriage and Family Therapist Licensure Board,
14 which shall be composed of seven Board members, one of which shall be
15 designated as chairperson, to be appointed in the manner provided for in
16 Section 7 of this act. Of the first Board members appointed, three shall
17 continue in office for two years, two for three years, and two, including the
18 chairperson, for terms of four years, respectively. Their successors shall
19 be appointed for terms of four years each, except that any person chosen to
20 fill a vacancy shall be appointed only for the unexpired term of the Board
21 member whom he or she shall succeed. Upon the expiration of his or her term
22 of office, a Board member shall continue to serve until his or her successor
23 shall have been appointed and shall have qualified. No person may be
24 appointed more than once to fill an unexpired term or more than two
25 consecutive full terms. The Governor shall designate one Board member to
26 serve as chairperson during the term of his or her appointment to the Board.
27 No person may serve as chairperson for more than four years.

28 The Governor may remove any member of the Board for neglect of duty or
29 malfeasance or conviction of a felony or crime of moral turpitude while in
30 office, or for other just cause. However, no member may be thus removed,
31 until after a public hearing of the charges against him or her, and at least
32 30 days prior written notice to such accused member of the charges against
33 him or her and of the date fixed for such hearing. No Board member shall
34 participate in any matter before the Board in which he or she has a pecuniary
35 interest, personal bias, or other similar conflict of interest.

1 b. Compensation of Board Members. Board members shall serve without
2 compensation but shall be reimbursed for their actual and necessary expenses
3 incurred in the performance of official Board business.

4 c. Quorum, Principal Office, and Seal. Four (4) members of the Board
5 shall constitute a quorum of the Board. The principal office of the Board
6 shall be in Little Rock, Arkansas, but the Board may act and exercise all of
7 its powers at any other place. The Board shall have an official seal which
8 shall be judicially noticed.

9 d. Board Employees. The Board is authorized to employ, subject to the
10 civil service laws of the State of Arkansas, such attorneys, experts, and
11 other employees as it may from time to time find necessary for the proper
12 performance of its duties and for whom the necessary funds are appropriated.

13

14 SECTION 7. APPOINTMENT AND QUALIFICATIONS OF BOARD MEMBERS.

15 a. Nominations for Appointment.

16 (1) The Governor shall appoint members of the Board only from
17 among the candidates who meet the following qualifications.

18 (A) Four (4) members shall be licensed practicing marriage
19 and family therapists; and each shall have been for at least five (5) years
20 immediately preceding appointment actively engaged as marriage and family
21 therapists in rendering professional services in marriage and family therapy,
22 or in the education and training of master's, doctoral or post-doctoral
23 students of marriage and family therapy, or in marriage and family therapy
24 research, and shall have spent the majority of the time devoted by him or her
25 to such activity during the two years preceding his or her appointment, in
26 this State.

27 (B) Three (3) members shall be representatives of the
28 general public, only one of which shall be a licensed mental health
29 professional who is not a licensed marriage and family therapist. The
30 initial appointees, with the exception of representatives of the general
31 public, shall be deemed to be and shall become licensed practicing marriage
32 and family therapists immediately upon their appointment and qualification as
33 members of the Board.

34 (2) The Governor shall appoint the first Board member to be
35 appointed under this act within ninety (90) days of the effective date of

1 this act. The Governor shall nominate a new member to fill a vacancy on the
2 Board within thirty (30) days of the vacancy.

3 (3) The appointment of any member of Board shall automatically
4 terminate thirty (30) days after the date such member is no longer a resident
5 of the State of Arkansas.

6 (4) Each appointee shall, upon accepting appointment to the
7 Board, take and subscribe to the oath or affirmation prescribed by law and
8 file the same in the office of the Secretary of State.

9 (5) If before the expiration of his or her term any member shall
10 die, resign, become disqualified, or otherwise cease to be a Board member,
11 the vacancy shall be filled by the Governor by appointment for the unexpired
12 term.

13

14 SECTION 8. BOARD MEETINGS. a. The Board shall administer and
15 enforce the provisions of this act. The Board shall from time to time adopt
16 such rules and regulations and such amendments thereto and supplements
17 thereto as it may deem necessary to enable it to perform its duties under and
18 to carry into effect the provisions of this act.

19 b. The Board shall examine and pass on the qualifications of all
20 applicants under this act, and shall issue a license to each successful
21 applicant therefore, attesting to his or her professional qualifications to
22 be a marriage and family therapist.

23 c. The Board shall adopt a seal which shall be affixed to all licenses
24 issued by the Board.

25 d. The Board may authorize expenditures deemed necessary to carry out
26 the provisions of this act from the fees which it collects and other
27 available appropriations, but in no event shall expenditures exceed the
28 revenues of the Board during any fiscal year.

29

30 SECTION 9. LICENSURE APPLICATION. Each person desiring to obtain a
31 license as a practicing marriage and family therapist shall make application
32 therefor to the Board upon such form and in such manner as the Board shall
33 prescribe and shall furnish evidence satisfactory to the Board that he or
34 she: a. is of good moral character;

35 b. has or is not engaged in any practice or conduct which would be a

1 ground for refusing to issue a license under this act

2 c. is qualified for licensure pursuant to the requirements of this
3 act.

4

5 SECTION 10. APPLICATION BEFORE JANUARY 1, 1996. Any person who
6 applies on or before January 1, 1996 shall be issued a license by the Board
7 if he or she meets the qualifications set forth in subsections a, b and c of
8 Section 9 and provides evidence to the Board that he or she meets educational
9 and experience qualifications as follows:

10 a. Education requirements: a graduate degree in either marriage and
11 family therapy, social work, psychology, or medical degree with
12 specialization in psychiatry, from a regionally accredited institution so
13 recognized at the time of granting such degree.

14 b. Experience requirements: at least five (5) years of clinical
15 experience in the practice of marriage and family therapy, and membership in
16 or certification by an appropriate professional organization, as defined by
17 the Board.

18

19 SECTION 11. APPLICATION AFTER JANUARY 1, 1996. Any person who applies
20 to the Board after January 1, 1996 shall be issued a license by the Board if
21 he or she meets the qualifications set forth in subsection a, b and c of
22 Section 9 and provides satisfactory evidence to the Board that he or she:

23 a. meets educational experience qualifications as follows:

24 (1) Educational requirements: a Master's degree or a Doctoral
25 degree in marriage and family therapy from a regionally accredited
26 educational institution or a graduate degree in the allied fields referred to
27 in Section 10(a) from a regionally accredited educational institution and
28 graduate level course work which is equivalent to a master's degree in
29 marriage and family therapy as determined by the Board.

30 (2) Experience requirements: successful completion of two (2)
31 calendar years of work experience in marriage and family therapy under a
32 person approved by the American Association of Marriage and Family Therapy as
33 an approved supervisor following the receipt of a qualifying degree.

34 b. Passes an examination administered the Board.

35

1 SECTION 12. EXAMINATION. a. The Board shall conduct an examination
2 at least once a year at a time and place designated by the Board.

3 b. Examinations may be written or oral as determined by the board.
4 Special provisions for examination shall be made to accommodate applicants
5 with disabilities. In any written examination each applicant shall be
6 designated so that his or her name shall not be disclosed to the Board until
7 the examinations have been graded.

8 c. Examinations shall include questions in such theoretical applied
9 fields as the Board deems most suitable to test an applicant's knowledge and
10 competence to engage in the practice of marriage and family therapy.

11

12 SECTION 13. ADMISSIONS TO SUBSEQUENT EXAMINATION. Any person who
13 fails an examination conducted by the Board shall not be admitted to a
14 subsequent examination for a period of at least six (6) months.

15

16 SECTION 14. TEMPORARY PERMITS. The Board in its' discretion, may
17 establish regulations which will permit the Board to issue a temporary permit
18 for up to one year to a person upon filing an application for licensure under
19 this act while his or her application is being processed by the Board or
20 while he or she is awaiting the opportunity to take the written examination
21 offered by the Board after filing an application.

22

23 SECTION 15. RECIPROCAL LICENSE. The Board shall issue a license by
24 examination of credentials to any person licensed or certified as a marriage
25 and family therapist in another state whose requirements for the license or
26 certificate are equivalent to or exceed the requirements of this State,
27 provided the applicant submits an application on forms prescribed by the
28 Board and pays the original licensure fee prescribed by this act.

29

30 SECTION 16. FEES. A fee, as determined by the Board from year to
31 year, shall be paid to the Board for original licensure. Licenses shall be
32 valid for two (2) calendar years from the next January 1 after the license is
33 first issued and must be renewed every two (2) years in accordance with
34 section 17, with the renewal fee being determined by the Board. Any
35 applicant for renewal of a license which has expired shall require the

1 payment of a registration fee determined by the Board. *All fees, grants, and*
2 *other moneys received by the board shall be deposited as cash funds into a*
3 *financial institution located within this state.*

4

5 SECTION 17. RENEWAL OF LICENSE. At least ninety (90) days before the
6 end of the year preceding expiration of a license, the secretary of the Board
7 shall forward to the holder of the license a form of application for renewal
8 thereof. Upon the receipt of the completed application form and the renewal
9 fee on or before January 1, the secretary shall issue a new license for the
10 subsequent two (2) calendar years.

11

12 SECTION 18. RULES OF PROFESSIONAL CONDUCT. a. Responsibility to
13 clients

14 (1) Marriage and family therapists are dedicated to advancing the
15 welfare of families and individuals, including respecting the rights of those
16 persons seeking their assistance and making responsible efforts to insure
17 that their services are used appropriately.

18 (2) Marriage and family therapists do not discriminate against
19 or refuse professional service to anyone on the basis of race, gender,
20 religion or national origin.

21 (3) Marriage and family therapists are cognizant of their
22 potentially influential position with respect to clients, and they avoid
23 exploiting the trust and dependency of such persons. Marriage and family
24 therapists therefore make every effort to avoid dual relationships with
25 clients that could impair their professional judgement or increase the risk
26 of exploitation or when dual relationships cannot be avoided, to take
27 appropriate professional precautions to insure that judgment is not impaired
28 and that no exploitation occurs. Examples of such dual relationship include,
29 but are not limited to, business or close personal relationship with clients.
30 Sexual intimacy with clients is prohibited. Sexual intimacy with former
31 clients for two (2) years following the termination of therapy is prohibited.

32

33 (4) Marriage and family therapists do not use their professional
34 relationship with clients to further their own interests

35 (5) Marriage and family therapists respect the right of clients

1 to make decisions and help them to understand the consequences of those
2 decisions. Marriage and family therapists clearly advise a client that a
3 decision on marital status is the responsibility of the client.

4 (6) Marriage and family therapists continue therapeutic
5 relationships only so long as it is reasonably clear that clients are
6 benefiting from the relationship.

7 (7) Marriage and family therapists assist persons in obtaining
8 other therapeutic services if a marital and family therapist is unable or
9 unwilling, for appropriate reasons, to see a person who has requested
10 professional help.

11 (8) Marriage and family therapists do not abandon or neglect
12 clients in treatment without making reasonable arrangements for the
13 continuation of such treatment.

14 (9) Marriage and family therapists obtain informed consent of
15 clients before taping, recording or permitting third party observation of
16 their activities.

17 b. Confidentiality. (1) Marriage and family therapists have unique
18 confidentiality problems because the "client" in a therapeutic relationship
19 may be more than one person. The overriding principle is that marriage and
20 family therapists respect the confidences of their client(s).

21 (2) Marriage and family therapists cannot disclose client
22 information and confidences to anyone, except:

23 (A) as mandated by law;

24 (B) to prevent a clear and immediate danger to an
25 identified person or persons;

26 (C) where the marital and family therapist is a defendant
27 in a civil, criminal or disciplinary action arising from the therapy (in
28 which case client confidences may be disclosed only in the course of that
29 action);

30 (D) if there is a consent previously obtained in writing
31 from the client, and then such information must be revealed only in
32 accordance with the terms of the consent.

33 (3) In circumstances where more than one person in a family is
34 receiving therapy, each such family member who is legally competent to
35 execute a consent must agree to the consent required by paragraph (2)(d) of

1 this section. Absent such a consent from each family member legally
2 competent to execute a consent, a marriage and family therapist cannot
3 disclose information received from any family member.

4 (4) Marriage and family therapists use client and/or clinical
5 materials in teaching, writing and public presentations only if a written
6 consent has been received in accordance with Section (2)(d) of this section,
7 or when appropriate steps have been taken to protect client identify.

8 (5) Marriage and family therapists store or dispose of client
9 records in ways that maintain confidentiality.

10 c. Professional competence and integrity. (1) Marriage and family
11 therapists are dedicated to maintaining high standards of professional
12 competence and integrity.

13 (2) Marriage and family therapists are presumed to have violated
14 high standards of integrity or competence if they:

15 (A) are convicted of one or more felonies; or

16 (B) are convicted of one or more misdemeanors involving
17 moral turpitude; or

18 (C) engage in conduct which could lead to the conviction of
19 a felony or misdemeanor involving moral turpitude; or

20 (D) have their license or certificate suspended or revoked;
21 or

22 (E) are no longer competent to practice marriage and family
23 therapy because they are impaired due to physical or mental causes or abuse
24 of alcohol or other substances; or

25 (F) Marriage and family therapists seek appropriate
26 professional assistance where their own personal problems are conflicts that
27 are likely to impair their work performance or their clinical judgment.

28 (3) Marriage and family therapists, as teachers and supervisors,
29 are dedicated to maintaining high standards of scholarship and presenting
30 information that is accurate.

31 (4) Marriage and family therapists seek to remain abreast of new
32 developments in family therapy knowledge and practice through both
33 educational activities and clinical experiences.

34 (5) Marriage and family therapists do not engage in sexual or
35 other harassment or exportation of clients, students, trainees, supervisees,

1 employees, colleagues, research subjects or actual or potential witnesses or
2 complainants in ethical proceedings.

3 (6) Marriage and family therapists do not attempt to diagnose,
4 treat, or advise on problems outside the recognized boundaries of their scope
5 of practice.

6 (7) Marriage and family therapists attempt to prevent the
7 distortion or misuse of their clinical and research findings.

8 (8) Marriage and family therapists are aware that, because of
9 their ability to influence and alter the lives of others, they must exercise
10 special care to making public their professional recommendations and opinions
11 through testimony or other public statements.

12 (9) Marriage and family therapists shall protect the welfare of
13 the client by storing and/or destroying, when appropriate, client files.

14 (10) Marriage and family therapists shall not, under normal
15 circumstances, offer professional services to clients concurrently receiving
16 services from another professional except with the knowledge of that
17 professional.

18 (11) Marriage and family therapists shall display their
19 original, current license certificate in a prominent place in the primary
20 location of their practice.

21 (12) Marriage and family therapists shall keep the Board updated
22 regarding changes in mailing address, phone number and place of employment.
23 Failure to do so may place the license in jeopardy due to missed renewal
24 notices and other important communication.

25 d. Financial Arrangements

26 (1) Marriage and family therapists make financial arrangements
27 with clients that conform to accepted professional practice and that are
28 reasonably understandable.

29 (2) Marriage and family therapists do not offer or accept
30 payment for referral.

31 (3) marriage and family therapists do not charge excessive fees
32 for services.

33 (4) Marriage and family therapists disclose their fee structure
34 to clients at the outset of treatment.

35 (5) Marriage and family therapists are careful to represent

1 facts truthfully regarding services rendered.

2

3 SECTION 19. ADVERTISING. a. Marriage and family therapists engage in
4 appropriate informational activities, including those that enable lay persons
5 to choose marriage and family services on an informed basis.

6 b. Marriage and family therapists accurately represent their com-
7 petence, education, training and experience relevant to their practice of
8 marriage and family therapy.

9 c. Marriage and family therapists do not use a name which could
10 mislead the public concerning the identity, responsibility, source, and
11 status of those practicing under that name and do not hold themselves out as
12 being partners or associates of a firm if they are not.

13 d. Marriage and family therapists do not use any professional
14 identification (such as a professional card, office sign, letterhead or
15 telephone or association directory listing) if it includes a statement or
16 claim that is false, fraudulent, misleading or deceptive. A statement is
17 false, fraudulent, misleading or deceptive if it:

18 (1) contains a material misrepresentation of fact; or

19 (2) fails to state any material fact necessary to make the
20 statement, in light of all circumstances, not misleading; or

21 (3) is intended to or is likely to create an unjustified
22 expectation.

23

24 e. Marriage and family therapists correct, whenever possible, false,
25 misleading or inaccurate information in representations made by others
26 concerning the marriage and family therapist's qualifications, services or
27 products.

28 f. Marriage and family therapists make certain that the qualifications
29 of persons in their employ are represented in a manner that is not false,
30 misleading or deceptive.

31

32 SECTION 20. FAILURE TO COMPLY. A marriage and family therapist who
33 does not comply with the Rules of Professional Conduct in this subchapter
34 shall be guilty of unprofessional conduct.

35

1 SECTION 21. DENIAL, REVOCATION OR SUSPENSION OF LICENSE.

2 a. Grounds for Denial, Revocation or Suspension. The Board is
3 authorized to deny, revoke or suspend a license granted pursuant to this act
4 on the following grounds:

5 (1) Conviction by a court of competent jurisdiction of crime
6 which the Board determines to be of such nature as to render the person
7 convicted unfit to practice marriage and family therapy.

8 (2) Anyone who is determined guilty of unprofessional conduct.

9 (3) Fraud or misrepresentation in obtaining a license.

10 (4) Other just and sufficient cause which renders a person unfit
11 to practice marriage and family therapy.

12 b. Notice and Hearing. No license may be denied, suspended or revoked
13 for the reasons set forth in subsection A of this section without prior
14 notice and an opportunity for hearing in accordance with the Arkansas
15 Administrative Procedure Act. The burden of proof shall be on the Board in
16 any proceedings to suspend or revoke a license. No license may be denied,
17 suspended or revoked under the section except by majority vote of the full
18 board, notwithstanding any other provision of this act.

19 c. Complaints. Any person may file a complaint with the Board seeking
20 denial, suspension or revocation of a license issued or to be issued by the
21 Board. Such complaints shall be in a form prescribed by the Board and shall
22 be verified under oath by the complainant or a duly authorized officer of a
23 complainant. If the Board determines that a complaint alleges facts which,
24 if true, would require denial, revocation or suspension of a license, it
25 shall promptly institute a hearing. Whenever the Board is of the opinion
26 that a complaint does not state facts which warrant a hearing, such complaint
27 may be dismissed. The Board may institute a hearing for denial, suspension
28 or revocation of a license on its own.

29 d. Intervention. Any person may be permitted to intervene and
30 participate in Board hearings on denial, suspension or revocation of licenses
31 upon a showing of an interest in such proceedings.

32 e. Reinstatement. Any person whose license has been suspended or
33 revoked may apply to the Board for a vacation of the suspension or
34 reinstatement of the license.

35

1 SECTION 22. PROCEDURES. a. General. The Board shall conduct its
2 proceedings in accordance with the provisions of this act and the Arkansas
3 Administrative Procedure Act. Any person may be heard by the Board in person
4 or by attorney. Every vote and official act of the Board shall be entered of
5 record. All hearings and rule making proceedings shall be open to the
6 public. A record shall be made of every hearing before the Board.

7 b. Subpoenas. For the purpose of this act, the Board shall have the
8 power to require by subpoena the attendance and testimony of witnesses and
9 the production of all books, papers and documents relating to any matter
10 under investigation. Subpoenas shall be issued by the Board upon application
11 by any party to a proceeding before the Board and a showing of general
12 relevance and reasonable scope. Witnesses summoned before the Board shall be
13 paid the same fees and mileage paid witnesses in the civil courts in the
14 State of Arkansas. In the case of disobedience to a subpoena, the Board may
15 apply to the Circuit Court for an order requiring the person subpoenaed to
16 appear before the Board and testify and produce books, papers or documents if
17 so ordered. Failure to obey such order of the Court may be punished by the
18 Court as contempt.

19 c. Hearings. One or more Board members or a hearing officer appointed
20 by the Board shall preside at all hearings.

21

22 SECTION 23. RULE MAKING. The Board is authorized to establish such
23 rules, regulations, and procedures as are necessary to the exercise of its
24 functions under this act. All other rules and regulations may be promulgated
25 by the Board only after public hearing and an opportunity to participate in
26 the rule making has been afforded all interested persons. All other rules
27 and regulations may be promulgated by the Board only after public hearing and
28 an opportunity to participate in the rule making has been afforded all
29 interested persons. Any person, association, corporation or agency of
30 government shall be permitted to participate in Board rule-making
31 proceedings.

32

33 SECTION 24. JUDICIAL REVIEW. A person who has exhausted all
34 administrative remedies available within the Board and who is aggrieved by a
35 final decision of the Board is entitled to judicial review in accordance with

1 the Arkansas Administrative Procedure Act.

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3 SECTION 25. EXPERT WITNESS. a. Use of expert witnesses. In any
4 proceeding before the Board involving the granting, suspension or revocation
5 of a license or other proceedings in which expert testimony relating to the
6 practice of marriage and family therapy is necessary, the Board shall hear
7 evidence from a qualified expert witness or witnesses selected by parties.

8 b. Compensation of expert witnesses. Such expert witnesses who
9 testify in a Board proceeding shall be compensated by the respective parties.
10 An expert witness selected to testify on behalf of the Board (when it is a
11 party to a proceeding) who is an employee of an agency of the State of
12 Arkansas, or any of its political subdivisions, shall be permitted to testify
13 without loss of income or other benefits.

14

15 SECTION 26. PENALTIES. Any person who violates Section 4 of this act
16 on or after January 1, 1996 shall, upon conviction, be guilty of a Class A
17 misdemeanor.

18

19 SECTION 27. INJUNCTION. As an additional remedy, the Board may
20 proceed in Chancery Court to enjoin or restrain any unlicensed person from
21 violating the prohibitions of this act. The Board shall not be required to
22 post bond for such proceedings.

23

24 SECTION 28. All provisions of this act of a general and permanent
25 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
26 Code Revision Commission shall incorporate the same in the Code.

27

28 SECTION 29. SEVERABILITY OF PROVISIONS. If any provision of this act
29 or the application thereof to any person or circumstances is held invalid,
30 the remainder of this act shall not be effected.

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32 SECTION 30. REPEAL AND AMENDMENT OF OTHER ACTS. All other acts and
33 parts of acts inconsistent with this act are hereby repealed.

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