

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/21/01

A Bill

HOUSE BILL 1630

5 By: Representatives Carson, *Green, Ormond, McMellon, Eason, Thomas, Dees, T. Steele, White, C.*
6 *Johnson, Lewellen, Roebuck*

7 By: *Senators Miller, Critcher*
8
9

For An Act To Be Entitled

11 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
12 CODE TO PROVIDE INDEPENDENT PRACTICE OF
13 PSYCHOLOGY BY QUALIFIED PERSONS AT THE MASTERS
14 LEVEL; AND FOR OTHER PURPOSES.
15

Subtitle

16 AN ACT TO AMEND VARIOUS SECTIONS OF THE
17 ARKANSAS CODE TO PROVIDE INDEPENDENT
18 PRACTICE OF PSYCHOLOGY BY QUALIFIED
19 PERSONS.
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

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

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

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

35 *(B) Psychological examiners independently provide services*
36 *such as interviewing or administering and interpreting tests of mental*

1 abilities, aptitudes, interests, and personality characteristics, for the
 2 purposes of psychological evaluation to assist in the determination of
 3 educational or vocational selection, guidance, or placement.

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

7 (i) Overall personality appraisal, including
 8 projective and objective testing classification of mental health disorders;

9 (ii) Personality counseling;

10 (iii) Psychotherapy;

11 (iv) Neuropsychological evaluation; or

12 (v) Personality readjustment techniques;

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

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

30
 31 SECTION 2. 17-97-201(a) is amended to read as follows:

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

35 (1) The Governor shall appoint:

36 (A) ~~Two (2)~~ One (1) academic ~~psychologists~~ psychologist

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

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

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

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

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

24 (A) Each nomination shall be transmitted to the Governor
25 within twenty (20) days after a vacancy occurs. The Governor may disregard the
26 nominees whose names were not transmitted prior to the expiration of the
27 twenty-day period.

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

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

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

36 (iii) Both shall be full voting members but shall not

1 *participate in the grading of examinations.*

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

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

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

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

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

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

31
32 *SECTION 3. Arkansas Code 17-97-303 is amended to read as follows:*
33 *17-97-303. Psychological examiners - Application - Qualifications.*

34 *(a) Any person wishing to obtain the right to practice as a*
35 *psychological examiner who has not heretofore been licensed to do so shall*
36 *make application to the Arkansas Board of Examiners in Psychology, through the*

1 chairman, upon a form and in the manner as shall be adopted and prescribed by
2 the board, and obtain from the board a license to do so.

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

5 (A) Is of good moral character;

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

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

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

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

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

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

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

27
28 SECTION 4. Arkansas Code 17-97-310(c) is amended to read as follows:

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

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

36 /s/ Carson, et al.