

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S2/27/03

A Bill

SENATE BILL 133

5 By: Senators Steele, Altes, Madison, Whitaker
6 By: Representatives Bradford, Mahony, Judy, Wood, Lendall, Martin, Penix
7

For An Act To Be Entitled

8
9
10 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
11 CODE TITLE 17, CHAPTER 97, RELATING TO
12 PSYCHOLOGISTS AND PSYCHOLOGICAL EXAMINERS; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT TO AMEND VARIOUS SECTIONS OF THE
17 ARKANSAS CODE, RELATING TO PSYCHOLOGIST
18 AND PSYCHOLOGICAL EXAMINERS.
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 17-97-102 is amended to read as follows:
24 17-97-102. Definitions - Levels of practice of psychology.

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

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

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

34 (C) Consultation, teaching, and research.

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

36 (A) Testing and measuring, which consists of the



1 interpretation of tests measuring personal characteristics, such as
2 intelligence, personality, abilities, interests, aptitudes, achievements,
3 motives, personality dynamics, psychoeducational processes,
4 neuropsychological brain functioning, and other psychological attributes of
5 individuals or groups;

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

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

12 (a) Counseling;

13 (b) Psychotherapy;

14 (c) Marital and family therapy;

15 (d) Group therapy;

16 (e) Behavior therapy;

17 (f) Psychoanalysis;

18 (g) Hypnosis;

19 (h) Biofeedback;

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

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

24 (C) Psychological consulting, which consists of:

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

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

29 (iii) Evaluating and engaging in applied
30 psychological research;

31 (iv) Program or organizational development; and

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

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

36 (B) The practice of psychology may be rendered whether or

1 not payment is received for services rendered.

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

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

12 (B) Psychological examiners independently provide services
13 such as interviewing or administering and interpreting tests of mental
14 abilities, aptitudes, interests, and personality characteristics for the
15 purposes of psychological evaluation to assist in the determination of
16 educational or vocational selection, guidance, or placement.

17 ~~(C) The psychological examiner practices the following~~
18 ~~only under the supervision of a qualified psychologist:~~

19 ~~(i) Overall personality appraisal, including~~
20 ~~projective and objective testing classification of mental health disorders;~~

21 ~~(ii) Personality counseling;~~

22 ~~(iii) Psychotherapy;~~

23 ~~(iv) Neuropsychological evaluation; or~~

24 ~~(v) Personality readjustment techniques; and~~

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

29 (2) A person practices as a "psychologist" within the meaning of
30 this chapter when he or she holds himself or herself out to be a psychologist
31 or renders to individuals or to the public for remuneration any service
32 involving ~~the application of recognized principles, methods, and procedures~~
33 ~~of the science and profession of psychology, such as interviewing or~~
34 ~~administering and interpreting tests of mental abilities, aptitudes,~~
35 ~~interests, and personality characteristics for such purposes as psychological~~
36 ~~evaluation or for educational or vocational selection, guidance, or~~

1 ~~placement, or for such purposes as overall personality appraisal or~~
2 ~~classification, personality counseling, psychotherapy, personality~~
3 ~~readjustment, or neuropsychological evaluation~~ the practice of psychology.

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

18
19 SECTION 2. Arkansas Code § 17-97-103 is amended to read as follows:
20 17-97-103. Exceptions generally.

21 ~~(a)(1) Nothing in this chapter shall be construed to limit the~~
22 ~~professional pursuits of teachers and counselors in recognized public and~~
23 ~~private schools, clergymen, practitioners of medicine, or social workers from~~
24 ~~full performance of their professional duties. However, in such a~~
25 ~~performance, any title used must be in accord with § 17-97-307. Nothing in~~
26 ~~this chapter prevents the teaching of psychology, or the conduct of~~
27 ~~psychological research, if the teaching or research does not involve the~~
28 ~~delivery or supervision of direct psychological services to individuals who~~
29 ~~are themselves, rather than a third party, the intended beneficiaries of the~~
30 ~~services without regard to the source or extent of payment for services~~
31 ~~rendered.~~

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

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

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

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

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

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

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

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

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

36 ~~(A) The person performs the activities under the~~

1 supervision and responsibility of a licensed psychologist in accordance with
 2 the rules and regulations promulgated by the board in accord with national
 3 guidelines or standards; and

4 (B) The person is either:

5 (i) A matriculated graduate student whose activities
 6 constitute a part of the course of study for a graduate degree in
 7 professional psychology at an institution of higher education;

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

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

14
 15 SECTION 3. Arkansas Code § 17-97-104 is repealed.

16 ~~17-97-104. Exceptions—Certain employees of state agencies.~~

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

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

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

36

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

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

7 (2) The Governor shall appoint:

8 (A) ~~Two (2) academic psychologists~~ One (1) academic
9 psychologist engaged in full-time teaching, ~~except that when a vacancy arises~~
10 ~~in an academic psychologist position after March 1, 1995, that academic~~
11 ~~psychologist position is abolished, and thereafter, an additional~~
12 ~~psychological examiner engaged in the full-time practice of psychology shall~~
13 ~~be appointed to the board of psychology at the graduate level at an approved~~
14 ~~institute of higher learning or holding an active faculty appointment in an~~
15 ~~American Psychological Association approved pre or post doctoral internship~~
16 ~~program;~~

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

20 (ii) The Governor shall ensure that the psychologist
21 members reflect a diversity of practice specialties, including but not be
22 limited to, clinical psychology, counseling psychology, health psychology,
23 neuropsychology, and school psychology;

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

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

34 (3)(A)(i) ~~The academic psychologists~~ psychologist, and the
35 ~~practicing psychologists, and psychological examiners~~ shall be appointed from
36 a list of nominees provided by the Arkansas Psychological Association, ~~the~~

1 ~~Arkansas Association of Psychological Examiners, and~~ or from any other list
 2 which has ~~attached thereto~~ the signatures of at least twenty (20) licensed
 3 psychologists ~~or psychological examiners~~ attached.

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

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

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

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

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

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

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

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

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

34 (4)(A) Each psychologist and psychological examiner appointed to
 35 the board after July 28, 1995, must reside within the State of Arkansas, hold
 36 a current valid license to practice, and must have been licensed to practice

1 psychology in Arkansas for at least five (5) years immediately preceding his
2 or her appointment to the board.

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

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

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

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

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

24 (i) Ceases to be qualified;

25 (ii) Fails to attend three (3) successive board
26 meetings without just cause as determined by the board;

27 (iii) Is found to be in violation of this chapter;

28 (iv) Pleads guilty or nolo contendere to, or is
29 found guilty of a felony or an unlawful act involving moral turpitude by a
30 court of competent jurisdiction; or

31 (v) Pleads guilty or nolo contendere to, or is found
32 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
33 board duties by a court of competent jurisdiction.

34
35 SECTION 5. Arkansas Code § 17-97-202(a), concerning the organization
36 and proceedings of the Arkansas Board of Examiners in Psychology is amended

1 to read as follows:

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

4
5 SECTION 6. Arkansas Code § 17-97-203 is amended to read as follows:
6 17-97-203. Powers and duties.

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

- 9 (1) Be empowered to hire ~~such~~ assistants as ~~are~~ necessary to carry on
10 its activities, within the limits of funds available to the board;
- 11 (2) Be empowered to accept grants from foundations or institutions;
- 12 (3) From time to time adopt ~~such~~ rules and regulations that comply
13 with national guidelines and standards, such as those recommended by Division
14 40 of the American Psychological Association regarding the education,
15 training, and supervision of technicians or assistants who are employed or
16 otherwise contracted by licensed psychologists to gather and collect
17 psychological test data, and other national standards of practice as it may
18 deem necessary for the performance of its duties;
- 19 (4) Examine and pass upon the qualifications of the applicants for the
20 practice of psychology as provided; and
- 21 (5) Adopt a code of ethics of the American Psychological Association
22 to govern appropriate practices or behavior as referred to herein and file
23 the code with the Secretary of State within thirty (30) days prior to the
24 effective date of the code of ethics.

25
26 SECTION 7. Arkansas Code § 17-97-204(a), concerning collection
27 and disposition of fees by the Arkansas Board of Examiners in Psychology, is
28 amended to read as follows:

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

34
35 SECTION 8. Arkansas Code § 17-97-302(a), concerning applications and
36 qualifications of psychologists, is amended to read as follows:

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

8
 9 SECTION 9. Arkansas Code § 17-97-303 is amended to read as follows:

10 17-97-303. Psychological examiners - Application - Qualifications.

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

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

20 (A) Is of good moral character;

21 (B) Has a master's degree in psychology or a closely
 22 related field from an accredited educational institution recognized by the
 23 board as maintaining satisfactory standards;

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

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

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

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

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

36 (c)(1) No individuals other than those applying for renewal of

1 licensure shall be licensed as a psychological examiner under this chapter
2 after December 31, 2007.

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

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

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

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

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

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

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

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

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

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

36 (D) Tendering the appropriate application and fees as

1 required under this chapter or the rules and regulations of the board.

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

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

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

10 (C) Passed the Arkansas complementary examination; and

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

13
 14 SECTION 10. Arkansas Code § 17-97-304(a)(1), concerning examinations
 15 by the Arkansas Board of Examiners in Psychology, is amended to read as
 16 follows:

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

23
 24 SECTION 11. Arkansas Code § 17-97-305(a), concerning issuance of
 25 licenses to practice psychology, is amended to read as follows:

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

35
 36 SECTION 12. Arkansas Code § 17-97-306 is amended to read as follows:

1 17-97-306. Reciprocity.

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

11
12 SECTION 13. Arkansas Code § 17-97-308(a), concerning annual
13 registration and failure to reregister licenses to practice psychology, is
14 amended to read as follows:

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

19
20 SECTION 14. Arkansas Code § 17-97-309, concerning fees charged by the
21 Arkansas Board of Examiners in Psychology, is amended to read as follows:

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

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

30
31 SECTION 15. Arkansas Code § 17-97-310(a), concerning various actions
32 of the Arkansas Board of Examiners in Psychology in regard to licensure, is
33 amended to read as follows:

34 (a) ~~The Arkansas Board of Examiners in Psychology~~ Arkansas Psychology
35 Board may refuse to grant a certificate or may suspend or revoke any license
36 for a period to be determined by the board, may impose a fine of up to five

1 thousand dollars (\$5,000), may issue a letter of reprimand, and may require
2 additional hours of education of a licensee on the following grounds:

3 (1) The employment of fraud or deception in applying for a
4 license or in passing the examination provided for in this chapter;

5 (2) The practice of psychology under a false or assumed name or
6 the impersonation of another practitioner of a like or different name;

7 (3) Habitual intemperance in the use of ardent spirits,
8 narcotics, or stimulants to such an extent as to incapacitate the licensee or
9 applicant for the performance of his or her duties;

10 (4) Violation of the Arkansas Medical Practices Act, §§ 17-95-
11 201 - 17-95-207, 17-95-301 - 17-95-305, and 17-95-401 - 17-95-411;

12 (5) Practice of a level of psychology inappropriate to the
13 particular license held by the licentiate;

14 (6) Upon recommendation of the ethics committee of the Arkansas
15 Psychological Association or of the American Psychological Association;

16 (7) Negligence or wrongful actions in the performance of his or
17 her duties; or

18 (8) A violation of any rule or regulation of this board or the
19 rules of ethics as adopted by this board.

20
21 SECTION 16. Arkansas Code 17-97-311(a), concerning investigative
22 proceedings by the Arkansas Board of Examiners in Psychology, is amended to
23 read as follows:

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

26 (i) Is practicing psychology without a license; or

27 (ii) A person licensed to practice in Arkansas, and
28 anyone under his or her supervision is, or may be, in violation of this
29 chapter or of any of the rules and regulations adopted by the board.

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

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

1 investigations.

2 (2) The ~~Arkansas Board of Examiners in Psychology board~~ may not
3 recommend suspension, revocation, or any other penalty described in § 17-97-
4 310 affecting a certificate or license or refuse to issue or to renew any
5 certificate for any cause listed in this chapter unless the person accused
6 has been given at least twenty (20) days' notice in writing by registered
7 mail, with return receipt demanded, of the charges against the person and an
8 opportunity for a public hearing by the board.

9 ~~(2)~~(3) The written notice shall be mailed to the person's last
10 known address, but the nonappearance of the person shall not prevent such a
11 hearing.

12
13 SECTION 17. Arkansas Code § 17-97-312(a), concerning criminal
14 background checks for the Arkansas Board of Examiners in Psychology, is
15 amended to read as follows:

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

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22 /s/ Steele
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