

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 85th General Assembly  
3 Regular Session, 2005  
4  
5 By: Senator Wilkinson  
6  
7

As Engrossed: S3/17/05

# A Bill

SENATE BILL 1194

## For An Act To Be Entitled

9 AN ACT TO CREATE LICENSURE FOR PSYCHOLOGICAL  
10 PRACTITIONERS; TO AUTHORIZE THE EMPLOYMENT OF  
11 UNCREDENTIALLED *NEUROPSYCHOLOGICAL* ASSESSMENT  
12 TECHNICIANS; AND FOR OTHER PURPOSES.

## Subtitle

15 AN ACT TO CREATE LICENSED PSYCHOLOGICAL  
16 PRACTITIONERS AND UNCREDENTIALLED  
17 *NEUROPSYCHOLOGICAL* ASSESSMENT  
18 TECHNICIANS.

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

23 SECTION 1. Arkansas Code § 17-97-102(b), concerning levels of practice  
24 of psychologists and psychological examiners, is amended to read as follows:

25 (b)(1) Unless the context otherwise requires, ~~two (2)~~ three (3) levels  
26 of psychological practice are defined for the purpose of this chapter. The  
27 levels are to be known and are referred to as "licensed psychological  
28 examiner", "licensed psychological practitioner", and "licensed  
29 psychologist".

30 (2)(A) A person practices as a "licensed psychological examiner"  
31 within the meaning of this chapter when he or she holds himself or herself  
32 out to be a licensed psychological examiner or renders to individuals or to  
33 the public for remuneration any service involving the practice of psychology.

34 (B) ~~Psychological~~ Licensed psychological examiners  
35 independently provide services such as interviewing or administering and  
36 interpreting tests of mental abilities, aptitudes, interests, and personality



1 characteristics for the purposes of psychological evaluation to assist in the  
2 determination of educational or vocational selection, guidance, or placement.

3 (C) Other than those psychological services listed in  
4 subdivision (b)(2)(B) of this section, the licensed psychological examiner  
5 provides psychological services only under the supervision of a qualified  
6 licensed psychologist.

7 (3)(A) A person practices as a "licensed psychological  
8 practitioner" within the meaning of this chapter when the person holds  
9 himself or herself out to be a licensed psychological practitioner or renders  
10 to individuals or to the public for remuneration any service involving the  
11 practice of psychology.

12 (B)(i) Licensed psychological practitioners independently  
13 provide services within the scope of practice of licensed psychological  
14 practitioners as determined by the Arkansas Psychology Board.

15 (ii) The scope of practice for a licensed  
16 psychological practitioner shall be limited to only those areas of  
17 demonstrated competence including both academic coursework and supervised  
18 experience equal to that of independent practice areas for licensed  
19 psychologists.

20 ~~(3)~~(4) A person practices as a "licensed psychologist" within  
21 the meaning of this chapter when he or she holds himself or herself out to be  
22 a licensed psychologist or renders to individuals or to the public for  
23 remuneration any service involving the practice of psychology.  
24

25 SECTION 2. Arkansas Code § 17-97-103(a), concerning exceptions to the  
26 psychologist and psychological examiner licensure law, is amended to read as  
27 follows:

28 (a) Nothing in this chapter prevents:

29 (1) The teaching of psychology or the conduct of psychological  
30 research by licensed or unlicensed psychologists or other licensed or  
31 unlicensed professionals under the laws of Arkansas if the teaching or  
32 research does not involve the delivery or supervision of direct services to  
33 individuals who are themselves, rather than a third party, the intended  
34 beneficiaries of the services without regard to the source or extent of  
35 payment for services rendered;

36 (2) The provision of expert testimony by psychologists who are

1 exempted by this chapter;

2 (3) Members of other professions licensed under the laws of  
3 Arkansas from rendering services within the scope of practice as set out in  
4 the statutes regulating their professional practices, if they do not  
5 represent themselves to be licensed psychologists, licensed psychological  
6 practitioners, or licensed psychological examiners;

7 (4) Recognized members of the clergy from functioning in their  
8 ministerial capacities, if they do not represent themselves to be licensed  
9 psychologists, licensed psychological practitioners, or licensed  
10 psychological examiners or their services to be psychological services; or

11 (5) Students of psychology, psychological interns, psychological  
12 residents, and other persons preparing for the profession of psychology from  
13 performing as a part of their training the functions specified in § 17-97-  
14 102, but only under qualified supervision.

15

16 SECTION 3. Arkansas Code § 17-97-105 is amended to read as follows:  
17 17-97-105. Privileged communications.

18 (a) For the purpose of this chapter, the confidential relations and  
19 communications between a licensed psychologist, a licensed psychological  
20 practitioner, or a licensed psychological examiner and a client are placed  
21 upon the same basis as those provided by law between an attorney and a  
22 client.

23 (b) Nothing in this chapter shall be construed to require any such  
24 privileged communication to be disclosed.

25

26 SECTION 4. Arkansas Code Title 17, Chapter 97, Subchapter 1 is amended  
27 to add an additional section to read as follows:

28 17-97-106. Purpose and intent of this subchapter.

29 Except as especially otherwise provided in this chapter, it is the  
30 purpose and intent of this subchapter to require all psychological service  
31 providers to conform to the license requirements of this chapter and to  
32 thereby protect the public health and welfare by ensuring competence in the  
33 delivery of those services.

34

35 SECTION 5. Arkansas Code § 17-97-201(a), concerning creation and  
36 membership of the Arkansas Psychology Board, is amended to read as follows:

1 17-97-201. Creation - Members.

2 (a)(1) There is created the Arkansas Psychology Board, which shall  
3 consist of nine (9) members who shall be appointed by the Governor for terms  
4 of five (5) years.

5 (2) The Governor shall appoint:

6 (A) One (1) academic licensed psychologist engaged in the  
7 full-time teaching of psychology at ~~the graduate level at an approved a~~  
8 regionally accredited institute of higher learning or holding ~~an active a~~  
9 full-time teaching faculty appointment in ~~an American Psychological~~  
10 ~~Association approved a~~ pre or post doctoral internship program at a  
11 regionally accredited institute of higher learning;

12 (B)(i) Four (4) practicing licensed psychologists engaged  
13 in the full-time practice of psychology with at least one (1) licensed  
14 psychologist engaged in the full-time, private practice of psychology.

15 (ii) The Governor shall ensure that the psychologist  
16 members reflect a diversity of practice specialties, including, but not  
17 limited to, clinical psychology, counseling psychology, health psychology,  
18 neuropsychology, and school psychology;

19 (C) ~~Two (2)~~ One (1) licensed psychological ~~examiners~~  
20 examiner engaged in the full-time practice of psychology; and

21 (D) Beginning January 1, 2006, one (1) licensed  
22 psychological practitioner engaged at the time of appointment in the full-  
23 time practice of psychology.

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

26 (3)(A) The academic licensed psychologist, the practicing  
27 licensed psychologists, licensed psychological practitioner, and the licensed  
28 psychological examiner members shall be appointed from a list of nominees  
29 ~~provided by the Arkansas Psychological Association, the Arkansas Association~~  
30 ~~of Masters in Psychology,~~ submitted by psychological organizations in  
31 Arkansas or from any other list with the signatures of at least twenty (20)  
32 licensed psychologists, licensed psychological practitioners, or  
33 psychological examiners attached.

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

36 (ii) The Governor may disregard the nominees whose

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

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

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

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

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

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

17 (ii) Furthermore, the person must never have been a  
18 licensed psychologist, licensed psychological practitioner, or licensed  
19 psychological examiner, an applicant or former applicant for licensure as a  
20 licensed psychologist, licensed psychological practitioner, or licensed  
21 psychological examiner, a member of another mental health profession, a  
22 member of a household that includes a licensed psychologist, licensed  
23 psychological practitioner, or licensed psychological examiner, or otherwise  
24 have conflicts of interest or the appearance of conflicts with his or her  
25 duties as a board member.

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

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

35 (C) To the extent possible, licensed psychologist,  
36 licensed psychological practitioner, and licensed psychological examiner

1 board members shall be members or fellows of state or national professional  
2 organizations, ~~such as the Arkansas Psychological Association, the Arkansas~~  
3 ~~Association of Masters in Psychology, or the American Psychological~~  
4 ~~Association.~~

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

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

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

18 (i) Ceases to be qualified;

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

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

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

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

28  
29 SECTION 6. Arkansas Code § 17-97-301 is amended to read as follows:

30 17-97-301. License required.

31 (a) If any person shall practice or hold himself or herself out to the  
32 public as being engaged in the practice of psychology, such as clinical,  
33 consulting, industrial, personnel, or counseling psychology, and shall not  
34 then possess in full force and virtue a valid license to practice as a  
35 licensed psychological examiner, licensed psychological practitioner, or  
36 licensed psychologist under the provisions of this chapter, the person shall

1 be deemed guilty of a misdemeanor.

2 (b) Upon conviction the person shall be fined not less than five  
3 hundred dollars (\$500) nor more than one thousand dollars (\$1000).

4  
5 SECTION 7. Arkansas Code § 17-97-302 is amended to read as follows:

6 17-97-302. Psychologists - Application - Qualifications.

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

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

14 (A) Is of good moral character;

15 (B) Has received a doctoral degree in psychology from ~~an~~ a  
16 regionally accredited institution recognized by the board as maintaining  
17 satisfactory standards at the time the degree was granted or, in lieu of a  
18 degree, a doctoral degree in a closely allied field if it is the opinion of  
19 the board that the training required ~~therefor~~ for the degree is substantially  
20 similar;

21 (C) Has had at least two (2) years of experience in  
22 psychology of a type considered by the board to be qualifying in nature with  
23 at least one (1) of those years being postdoctoral work;

24 (D) Is competent in psychology, as shown by passing  
25 examinations, written or oral, or both, as the board deems necessary;

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

28 (F) 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 (G) 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) Notwithstanding requirements for licensure as outlined in this

1 chapter, the board shall issue a senior psychologist license to an applicant  
2 who has:

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

6 (2) Received no disciplinary sanction during the entire period  
7 of licensure;

8 (3) Passed the Arkansas complementary examination; and

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

11  
12 SECTION 8. Arkansas Code § 17-07-303 is amended to read as follows:

13 17-97-303. Psychological examiners - Application - Qualifications.

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

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

22 (A) Is of good moral character;

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

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

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

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

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

36 (2) At its discretion, the board may accept satisfactory

1 substitute training and experience in lieu of that prescribed in subdivision  
2 (b)(1) of this section.

3 (c) The board shall apply through its rules and regulations the  
4 qualifications of supervising licensed psychologists and the restrictions and  
5 reporting requirements of supervision so as to implement the intent of this  
6 chapter without restricting the professional integrity of the licensed  
7 psychological examiner and psychologist or the ultimate responsibility of the  
8 supervising licensed psychologist.

9

10 SECTION 9. Arkansas Code § 17-97-304(a), concerning examinations for  
11 licensure in psychology, is amended to read as follows:

12 (a)(1) Examination of applicants for a license to practice as a  
13 licensed psychologist, as a licensed psychological practitioner, or as a  
14 licensed psychological examiner shall be made by the Arkansas Psychology  
15 Board at least one (1) time a year according to methods and in such subject  
16 fields as may be deemed by the board to be the most practical and expeditious  
17 to test the applicant's qualifications.

18 (2) The examinations shall include the basic psychological  
19 sciences.

20

21 SECTION 10. Arkansas Code § 17-97-305 is amended to read as follows:  
22 17-97-305. Issuance.

23 (a) *License to Practice Psychology. The Arkansas Psychology Board*  
24 *shall be the sole agency empowered to examine candidates concerning*  
25 *competence in the practice of psychology and to grant license for the*  
26 *practice of psychology at the appropriate level. The license shall be signed*  
27 *by the Chair of the Arkansas Psychology Board and attested by the Secretary*  
28 *of the Arkansas Psychology Board under the seal of the board, whereupon a*  
29 *proper license shall be issued in accordance with this chapter.*

30 (b) *Provisional License.*

31 (1) *The board shall issue a provisional license to an applicant*  
32 *who has:*

33 (A) *Passed the ~~examinations~~ credentials review prescribed*  
34 *by the board;*

35 (B) *Satisfied the preliminary requirements of §§ 17-97-302*  
36 *and, 17-97-303, and 17-97-313; and*

- 1                   (C) Paid the fee for a provisional license.
- 2                   (2) A provisional license holder is entitled to practice
- 3 psychology under the supervision of a psychologist to meet the requirements
- 4 for issuance of a license under this section.
- 5                   (3) The board shall adopt rules that apply to provisional
- 6 license holders identifying:
- 7                   (A) The activities that holders may engage in; and
- 8                   (B) Services that may be provided by holders.
- 9                   (4) The board may refuse to renew the provisional license of a
- 10 person who does not meet the requirements prescribed by § 17-97-303.
- 11                  (c) Provisional License Application.
- 12                   (1) An applicant ~~for examination~~ for a provisional license must:
- 13                   (A) Apply on forms prescribed by the board; and
- 14                   (B) Submit the required fees with the application.
- 15                   (2) The board may require that the applicant verify the
- 16 application.
- 17                  (d) Provisional License ~~Examination~~ Review Qualifications.
- 18                   (1) An applicant may ~~take an examination~~ have his or her
- 19 credentials reviewed for a provisional license if the applicant:
- 20                   (A) Has received:
- 21                    (i) A doctoral or master's degree in psychology from
- 22 a regionally accredited educational institution; or
- 23                    (ii) A doctoral degree in psychology or the
- 24 substantial equivalent of a doctoral degree in psychology in both subject
- 25 matter and extent of training from a regionally accredited educational
- 26 institution;
- 27                   (B) Has attained the age of majority;
- 28                   (C) Has good moral character;
- 29                   (D) Is physically and mentally competent to provide
- 30 psychological services with reasonable skill and safety, as determined by the
- 31 board;
- 32                   (E) Is not afflicted with a mental or physical disease or
- 33 condition that would impair the applicant's competency to provide
- 34 psychological services;
- 35                   (F) Has not been convicted of a crime involving moral
- 36 turpitude or a felony;

1 (G) Does not use drugs or alcohol to an extent that  
2 affects the applicant's professional competency;

3 (H) Has not engaged in fraud or deceit in making the  
4 application; and

5 (I) Has not:

6 (i) Aided or abetted the practice of psychology by a  
7 person not licensed under this chapter in representing that the person is  
8 licensed under this chapter;

9 (ii) Represented that the applicant is licensed  
10 under this chapter to practice psychology when the applicant is not licensed;  
11 or

12 (iii) Practiced psychology in this state without a  
13 license under this chapter or without being exempt under this chapter.

14 (2) In determining under § 17-97-302(b)(1)(B) whether a degree  
15 is substantially equivalent to a doctoral degree in psychology, the board  
16 shall consider whether at the time the degree was conferred the doctoral  
17 program met the prevailing standards for training in the area of psychology,  
18 ~~including standards for training the clinical, school, and industrial~~  
19 ~~counseling.~~

20  
21 SECTION 11. Arkansas Code § 17-97-306 is amended to read as follows:  
22 17-97-306. Reciprocity.

23 At its discretion, the Arkansas Psychology Board may grant a  
24 certificate without an assembled examination to any person residing or  
25 employed in the state who:

26 (1)(A) At the time of application is licensed or certified by a  
27 similar board of another state whose standards, in the opinion of the board,  
28 are not lower than those required by this chapter or who has been practicing  
29 psychology in another state and has qualifications not lower than those  
30 required by this chapter.

31 (B) The board may consider the Certificate of  
32 Qualification in Psychology of the Association of State and Provisional  
33 Psychology Board or registration in the National Register of Health Service  
34 Providers in Psychology, or both, as qualification standards; and

35 (2) Is able to satisfy the board that to grant him or her a  
36 license would be in the public interest.

1  
2 SECTION 12. Arkansas Code § 17-97-307(b)(3), concerning applications  
3 for annual renewal of licenses in psychology, is amended to read as follows:

4 (3) Students of psychology, psychological interns, and other  
5 persons preparing for the profession of licensed psychological examiner,  
6 licensed psychological practitioner, or licensed psychologist under qualified  
7 supervision in recognized training institutions or facilities may be  
8 designated by such titles as "psychological intern", "psychological trainee",  
9 or other titles clearly indicating ~~such~~ that training status.

10  
11 SECTION 13. Arkansas Code § 17-97-308(d) and (e), concerning annual  
12 registration and continuing education for psychologists, are amended to read  
13 as follows:

14 (d) An application for annual renewal of the license of a licensed  
15 psychologist, licensed psychological practitioner, or licensed psychological  
16 examiner will not be considered if the applicant has not supplied forty (40)  
17 hours of continuing education for the previous biennium, i.e., twenty-four  
18 (24) months.

19 (e)(1) All programs of continuing education for licensed  
20 psychologists, licensed psychological practitioners, or licensed  
21 psychological examiners shall be subject to the approval of the board.

22 (2) The board is authorized to prescribe by regulations the:

23 (A) Minimum standards and requirements for continuing  
24 education programs for licensees;

25 (B) Procedures and policies for administering continuing  
26 education programs; and

27 (C) Manner and conditions under which credit will be  
28 granted for participation in continuing education programs.

29  
30 SECTION 14. Arkansas Code § 17-97-310(a), concerning denial,  
31 suspension, revocation, fine, letter of reprimand, or requirement of  
32 additional education for psychologists, is amended to read as follows:

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

1 the following grounds:

- 2 (1) The employment of fraud or deception in applying for a  
3 license or in passing the examination provided for in this chapter;
- 4 (2) The practice of psychology under a false or assumed name or  
5 the impersonation of another practitioner of a like or different name;
- 6 (3) Habitual intemperance in the use of ardent spirits,  
7 narcotics, or stimulants to such an extent as to incapacitate the licensee or  
8 applicant for the performance of his or her duties;
- 9 (4) Violation of the Arkansas Medical Practices Act, §§ 17-95-  
10 201 et seq., 17-95-301 et seq., and 17-95-401 et seq.;
- 11 (5) Practice of a level of psychology inappropriate to the  
12 particular license held by the licentiate;
- 13 ~~(6) Upon recommendation of the ethics committee of the Arkansas~~  
14 ~~Psychological Association or of the American Psychological Association;~~
- 15 ~~(7)~~(6) Negligence or wrongful actions in the performance of his  
16 or her duties; or
- 17 ~~(8)~~(7) A violation of any rule or regulation of the board or the  
18 rules of ethics as adopted by the board.

19

20 SECTION 15. Arkansas Code § 17-97-311(a)(1)(A), concerning  
21 investigations of complaints against psychologists, is amended to read as  
22 follows:

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

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

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

31

32 SECTION 16. Arkansas Code Title 17, Chapter 97, Subchapter 3 is  
33 amended to add additional sections to read as follows:

34 17-97-313. Licensed psychological practitioners-Application-  
35 Qualifications.

36 (a) Any person who wishes to obtain the right to practice as a

1 licensed psychological practitioner who has not been licensed before the  
2 effective date of this section shall:

3 (1) Make application to the Arkansas Psychology Board through  
4 the Chair of the Arkansas Psychology Board upon a form and in a manner to be  
5 adopted by the board; and

6 (2) Obtain a license to practice as a licensed psychological  
7 practitioner.

8 (b) A candidate for a license to practice as a licensed psychological  
9 practitioner shall demonstrate to the board with satisfactory evidence that  
10 he or she:

11 (1) Is of good moral character;

12 (2) Has met all qualifications and been licensed as a  
13 psychological examiner for at least five (5) continuous years or the  
14 equivalent in another jurisdiction and has had supervision by a licensed  
15 psychologist for at least five (5) years;

16 (3) Has passed the Examination for Professional Practice in  
17 Psychology at the psychologist level or has been continuously licensed at the  
18 psychological examiner level or its equivalent since January 1, 1991;

19 (4) Is competent to practice independently as a licensed  
20 psychological practitioner in specific areas of psychology as shown by:

21 (A) Passing an examination, written or oral, or both, as  
22 the board deems necessary; and

23 (B) Meeting both didactic and experiential requirements  
24 established by the board;

25 (5) Has not been determined to have engaged in unethical  
26 practice;

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

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

32  
33 17-97-314. Uncredentialed neuropsychological assessment  
34 technician - Application - Qualifications

35 (a) Any person wishing to obtain the right to be employed as a  
36 neuropsychological assessment technician who has not been certified to be

1 employed as a neuropsychological assessment technician before the effective  
2 date of this section shall make an application through the Chair of the  
3 Arkansas Psychology Board upon a form and manner to be adopted by the board  
4 to practice as a neuropsychological assessment technician.

5 (b) An applicant for a neuropsychological assessment technician  
6 certificate shall furnish the board with satisfactory evidence that he or  
7 she:

8 (1) Is of good character;

9 (2)(A) Has a bachelor's degree in psychology or a closely  
10 related field from a regionally accredited higher education institution  
11 recognized by the board as maintaining satisfactory standards including an  
12 educational program in the science of psychology that provides the basic  
13 academic coursework to allow the applicant to assist licensed psychologists  
14 in the administration and scoring of objective neuropsychological  
15 instruments.

16 (B) The coursework requirement under subdivision (b)(2)(A)  
17 of this section shall consist of the following courses, each consisting of  
18 three (3) or more semester hours and each having been passed by each  
19 applicant with a grade of "C" or better:

20 (i) Abnormal psychology;

21 (ii) Personality;

22 (iii) Statistics; and

23 (iv) Psychological testing;

24 (3) Has received a grade of "B" or better in a graduate course  
25 of three (3) or more graduate credit hours in individual testing assessment;

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

29 (5) Has completed annual or biannual continuing education  
30 requirements as determined by the Arkansas Psychology Board.

31 (c)(1)(A) A neuropsychological assessment technician may be employed  
32 by a licensed psychologist with neuropsychological privileges as indicated by  
33 the technician's statement of intent and approved by the Arkansas Psychology  
34 Board.

35 (B) A neuropsychological assessment technician's duties  
36 shall be restricted to administration and scoring only in the assessment of

1 neuropsychological function and research.

2 (2) The licensed psychologist supervising the neuropsychological  
3 assessment technician shall:

4 (A) Inform the Arkansas Psychology Board; and

5 (B) Define the specific assessment functions of the  
6 technician as specified within board rules.

7 (3)(A) The licensed psychologist is responsible for the ethical  
8 assessment and personal behavior of the employed neuropsychological  
9 assessment technician.

10 (B) The licensed psychologist shall:

11 (i) Follow the current Association of State and  
12 Provincial Psychology Board's Supervision Guidelines for supervision of  
13 uncredentialed personnel providing psychological services; and

14 (ii) Notify the Arkansas Psychology Board if a  
15 neuropsychological assessment technician does not possess adequate ability to  
16 function in his or her role.

17 (d) The board may determine that neuropsychological assessment  
18 technicians pass a qualification test.

19 (e) Each neuropsychological assessment technician shall:

20 (1) Pay an annual certification fee set by the board; and

21 (2) Receive a renewed certificate each year, if the board finds  
22 no evidence of unethical practice by the licensed psychologist.

23 (f) A person employed as a neuropsychological assessment technician  
24 prior to the effective date of this section:

25 (1) May continue to perform his or her duties which shall be  
26 limited to neuropsychological test administration and scoring;

27 (2) Shall register with the board; and

28 (3) Shall meet the requirements of this section except for the  
29 education requirements described in subdivisions (b)(2) and (3) of this  
30 section

31  
32 /s/ Wilkinson