

RULES

ARKANSAS CODE ANNOTATED § 17-27-101 et seq

I. General Information

Section 1.1 ENABLING LEGISLATION

The Rules are adopted pursuant to Arkansas Code Annotated § 17-27-101-313 et seq.

Preface

The Arkansas Board of Examiners in Counseling interprets the intent of the Legislature, passed as Arkansas Code Annotated §17-27-101 -104 et esq., to provide for the licensure and regulation of Counselors and Marriage and Family Therapists. The Act is both title and practice. The Governor, who signed it into law in 1979, and the Board interprets Act 593 of 1979, as amended by Act 244 of 1997, to be for the protection of the public welfare and in the public interest.

The Board of Examiners in Counseling shall, in all deliberations and in all adopted Rules, diligently pursue goals most consistent with the public interest and shall, at all times, apply the provisions of Arkansas Code Annotated § 17-27-101, et seq and the Rules adopted, from time to time, in a fair and impartial manner.

Section 1.2 DESCRIPTION OF ORGANIZATION

The Arkansas Board of Examiners in Counseling is composed of nine (9) members appointed by the Governor to staggered terms of three years. The composition of the Board shall include six (6) licensed or licensable counselors (three practicing counselors and three counselor educators or supervisors, one of which shall also be a licensed Marriage and Family Therapist, if available, and one (1) non-licensed individual who represents the general public. The seven are recommended to the governor by November 1 each year by the Executive Committee of the Arkansas Counseling Association (ArCA) or the Executive Committee of the Arkansas Mental Health Counseling Association (ArMHCA). One (1) licensed Marriage and Family Therapist shall be recommended to the governor by the Board of Directors of the Arkansas Association for Marriage and Family Therapists (ArAMFT). One (1) non-licensed member shall represent the over sixty populations and is selected by the governor from the general population. Section (c)(1)(e)(1)

The appointed replacement shall be eligible for reappointment to a full three year term upon completion of the partial term appointment created by the vacancy. Section (c) (1)(e) (1) (g)

Board members shall be ineligible for reappointment for a period of three (3) years following completion of each full, three (3) year term.

46 1.3 INFORMATION FOR PUBLIC GUIDANCE

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48 Records of the Board shall be kept, maintained, and made available for inspection in accordance
49 with the Arkansas Freedom of Information Act (Arkansas Code Annotated § 25-19-101 et seq).

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51 In accordance with Arkansas Code Annotated §25-19-101 et seq, examination and copying of public
52 records, client records “such as state income tax returns, medical records, scholastic records, adoption
53 records, and other similar records which by law are required to be closed to the public shall not be deemed
54 to be made open to the public.”

55

56 Individual files, not required to be kept for historical purposes (Act 918 of 2005- An Act Concerning the
57 Retention of Public Records by State Agencies), will be destroyed after five years. Examples are:
58 incomplete application files, non renewed licensee files, and files of deceased persons. If any form of
59 disciplinary action was recorded for any licensee or applicant, the files will be kept permanently and never
60 destroyed. If persons who no longer hold a license or failed to be granted a license have a file in the “DO
61 NOT DESTROY” files and apply for a license, the old file will be combined with the new application for
62 Board review.

63

64 Information for public guidance will follow Arkansas Code Annotated § 25-19-108 of the Arkansas
65 Freedom of Information Act for public distribution.

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67 The Board will periodically release names of new licensees and the names of those licensees whose licenses
68 have been suspended or revoked, and those who are appealing a suspension or a revocation, to the Arkansas
69 Counseling Association, to the Arkansas Association of Marriage and Family Therapy, and the Arkansas
70 Mental Health Counselors Association for publication in their newsletters.

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72 A periodic press release may be issued to state-wide newspapers listing licenses issued, suspended, and
73 revoked. If the suspension or revocation is under appeal it will be so noted.

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75 Final decisions arrived at through administrative hearings will be available to requesters [including third
76 party payers]. These decisions will be available through the Board’s web site or by written request from the
77 Board office.

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79 Section 1.4 PURPOSE OF ORGANIZATION

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81 Law charges the Board with the responsibility for the regulation of the titles and the practices of
82 Counseling and Marriage and Family Therapy and Specialization Licenses related to Counseling and
83 Marriage and Family Therapy in the State of Arkansas. This includes examining the qualifications of the
84 applicants and approving each for licensing, as well as revoking, suspending, and renewing licenses.

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86 Persons engaged in practices/activities of Counseling or Marriage and Family Therapy to
87 individuals or groups in Arkansas must hold an Arkansas license for whatever method the services are
88 offered, rendered or delivered. These regulations apply to all traditional approaches and to all technology-
89 assisted distance approaches, including telephone approaches, to Counseling or Marriage and Family
90 Therapy offered to individuals or groups in Arkansas. Telephone Crisis “Hot Lines”, telephone consultation
91 between licensed mental health providers and emergency telephone calls are exempt. Counseling or

92 Marriage and Family Therapy telephone services provided as a regular scope of practice, as a business,
93 advertised to the public with hourly fees as mental health services by Counselors or Marriage and Family
94 Therapists requires and Arkansas license.. See Section XII for the ethics, definitions and standards.
95

96 In order to protect the citizens of Arkansas, obtaining a license as a Counselor/Psychotherapist or
97 Marriage and Family Therapist is a prerequisite to offering, rendering or delivering counseling services in
98 Arkansas to individuals or groups located in Arkansas. The license requirement applies to traditional face
99 to face counseling as well as to Technology-Assisted distance (electronic, computer, telephone) counseling.
100

101 If the individual or group receiving mental health services is physically located in Arkansas, the
102 Counselor/Psychotherapist or Marriage and Family Therapist providing the services must hold an Arkansas
103 license regardless of the whether he or she is located in-state or out of state.
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105 If the Counselor/Psychotherapist or Marriage and Family Therapist is physically located in
106 Arkansas, he or she must have an Arkansas license to provide Counseling/Psychotherapy or Marriage and
107 Family Therapy services to individuals or groups located in Arkansas. If the licensee offers services to
108 clients in another state, the licensee is subject to the laws of that state.
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110 Section 1.5 ORGANIZATION OF THE BOARD
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112 The Board will meet to organize within 30 days following January 2 of each year. The Board shall
113 elect a chair and a secretary and other such officers, as it deems necessary, from its members to serve for
114 terms of one year. Five (5) members shall at all times constitute a quorum. Additional meetings may be held
115 at the discretion of the chair or upon written request of any three (3) members of the Board (Arkansas Code
116 Annotated§17-27-202 et seq).
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118 Section 1.6 MEETINGS
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120 Meetings of the Board, formal or informal, shall be open to the public. Dates, times, and places of
121 meetings shall be furnished to anyone requesting the information and made available to the press in
122 compliance with Arkansas Code Annotated § 25-19-101 et seq. (Freedom of Information Act).
123

124 Under the provisions of the Arkansas Freedom of information Act the Board may go into executive
125 session for the purpose of giving oral licensure examinations or to develop examination questions to comply
126 with Arkansas Code Annotated § 26-179-1059 (c) (5) (b). Executive session may be applied in accordance
127 with Arkansas Code Annotated § 25-19-106 (a) (c) (1) and (5) (A) (B).
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129 Section 1.7 FINANCES
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131 The Board shall set licensing fees and no part of any fee shall be refundable under any conditions
132 other than failure of the Board to hold examinations at the time originally announced. All fees collected
133 shall be held in an Arkansas Bank, chosen by the Board, with funds being disbursed in accordance with
134 current standard state accounting procedures. In addition to fees collected, the Board is empowered to
135 accept grants from foundations and institutions to carry out its function. The Board may hire such personnel
136 as necessary to carry out its activities. The Chairperson, the Executive Director, or another Board member
137 shall be bonded to handle finances of the Board in compliance with state regulations.

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All receipts for fees are numbered, in triplicate and dated. Receipt numbers are to be certified by notarized letter from place of purchase.

Section 1.8 INTENT OF THE ACT

It is intended that the provisions of Arkansas Code Annotated §17-27-101 et seq be in accordance and consistent with other licensing laws.

Section 1.9 DEFINITIONS

“Appraisal activities” means selecting, administering, scoring and interpreting instruments designed to assess an individual’s aptitudes, attitudes, abilities, achievements, personal characteristics and interests, but shall not include the use of projective techniques for personality assessment unless specifically qualified to do so under another license. Documentation of all training for appraisal activities and Board approval for those activities is required for protection of the public. Appraisal Specialization License [Rule Section 3.5 (C)(6)] is required if appraising/evaluating for placement of children or adults in special programs, in schools, institutions, etc. If appraisals are conducted under contracts with public schools or for the Arkansas Department of Human Services the Appraisal Specialization License must be verified prior to reimbursement to schools or individuals.

“Counseling/Psychotherapy” means assisting individuals or groups, through the counseling relationship, to develop understanding of personal problems, define goals, and plan action reflecting interests, abilities, aptitudes, and needs. Counseling/Psychotherapy is the application of mental health, psychological, or human development principles, through cognitive, affective, behavioral or systemic intervention strategies that address wellness, personal growth, or career development, as well as pathology. The terms Counseling/ Psychotherapy are used interchangeably in definitions of mental health activities in counseling textbooks

“Licensed Associate Counselor” means any person holding himself/herself out to the public by any title or description of services incorporating the words Licensed Associate Counselor, who meets the requirements set forth in Section 3.1 of these rules and regulations, and who offers to render counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for monetary remuneration otherwise implying licensure, training, experience, and/or expertise in counseling, and who holds a current, valid license to practice counseling under the supervision of a duly Licensed Professional Counselor. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27-103.

“Licensed Associate Marriage and Family Therapist” means any person who holds himself/herself out to the public by any title or description of services incorporating the words licensed associate marriage and family therapist, who meets the requirements set forth in Section 3.3 of these rules and regulations; offers to render marriage and family therapy services to individuals, couples and families, singularly or in groups for monetary remuneration; or holds a current, valid license to practice marriage and family therapy services under the supervision of a licensed Marriage and Family Therapist. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27-103.

184 “Licensed Marriage and Family Therapist” means any person who: holds himself/herself out to the
 185 public by any title or description of services incorporating the words licensed marriage and family therapist,
 186 who meets the requirements set forth in Section 3.4 of the rules and regulations; offers to render marriage
 187 and family therapy services to individuals, groups, couples, families, organizations, corporations,
 188 institutions, government agencies, or the general public for monetary remuneration or otherwise implying
 189 that he or she is licensed, trained, experienced, or an expert in marriage and family therapy; or holds a
 190 current, valid license to practice marriage and family therapy. Nothing in this definition shall be construed
 191 to include those professions excluded by Ark. Code Ann. § 17-27-103.

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 193 “Licensed Professional Counselor” shall mean any person holding himself/herself out to the public
 194 by any title or description of services incorporating the words Licensed Professional Counselor, who meets
 195 the requirements set forth in Section 3.2 of the rules and regulations, and who offers to render counseling
 196 services to individuals, groups, organizations, corporations, institutions, government agencies, or to the
 197 general public for monetary remuneration or who otherwise implies licensure, training, experience, and/or
 198 expertise in counseling and who holds a current valid license to practice counseling/psychotherapy.
 199 Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-
 200 27-103.

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 202 “Marriage and Family Therapy” means the use of scientific and applied marriage and family
 203 theories, methods and procedures for the purpose of describing, evaluating and modifying marital, family
 204 and individual behavior within the context of marital and family systems, including the context of marital
 205 formation and dissolution. Marriage and family therapy is based on systems theories, marriage and family
 206 development, normal and dysfunctional behavior, human sexuality and psychotherapeutic, marital and
 207 family therapy theories, and techniques in the evaluation, assessment and treatment of interpersonal or
 208 intrapersonal dysfunction within the context of marriage and family systems. Marriage and family therapy
 209 may also include clinical research into more effective methods for the treatment and prevention of the
 210 above-named conditions. Nothing in this definition or in this chapter shall be construed as precluding
 211 licensed professional counselors or licensed associate counselors from rendering these services.

212
 213 “Privileged Communication” shall mean any communication between client and counselor given in
 214 confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in
 215 the furtherance of the rendition of professional services to the client.

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 217 “Referral activities” means the evaluating of data to identify problems and to determine the
 218 advisability of referral to other specialists.

219
 220 “Relevant Professional” or “Continued Education Experience” means documented training,
 221 workshops, institutes, seminars, etc., primarily counseling in content. The Board accepts documented clock
 222 hours as described in Section 7.3.

223
 224 “Research activities” means reporting, designing, conducting, or consulting on research in
 225 counseling with human subjects.

226
 227 “Statement of Professional Intent” means a typed statement from the applicant , on file with the
 228 Board, describing the scope of practice for use under the requested license, the public with whom the

229 applicant will work, and the counseling/psychotherapy and appraisal approaches the applicant plans to use
 230 (including techniques and tools).

231
 232 “Supervision” means professional monitoring and reporting (a) of a Licensed Associate Counselor
 233 (LAC) by an individual licensed as a LAC supervisor and (b) of a Licensed Associate Marriage and Family
 234 Therapist (LAMFT) by an individual licensed as a LMFT supervisor.

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 236 “Practicing Counselors” means individuals who apply mental health, psychological or human
 237 development principles, through cognitive, affective, behavioral or systemic intervention, strategies that
 238 address wellness, personal growth, or career development, as well as pathology.

239
 240 “Counselor Educator” means Counselors who are responsible for developing, implementing, and
 241 supervising educational programs and are skilled as teachers and practitioners. They are knowledgeable
 242 regarding the ethical, legal, and regulatory aspects of the profession, are skilled in applying that knowledge,
 243 and make students and supervisees aware of their responsibilities. Counselor Educators conduct counselor
 244 education and training programs in an ethical manner and serve as role models for professional behavior.
 245 Individuals, who develop, implement/conduct and supervise comprehensive education and training
 246 programs for counseling trainees in a knowledgeable, skillful and ethical manner, and serve as culturally-
 247 aware role models for professional behavior. Counselor Educators are considered professionals at the degree
 248 level of Ed.D. or Ph.D. in counseling, psychology, or closely related field level of education who infuse
 249 material related to human diversity into all courses and/or workshops that are designed to promote the
 250 development of professional counselors. Counselor Educators are individuals whose primary profession is
 251 as a counselor educator, employed at least half time in an Arkansas institution of higher education or
 252 counselor educators retired from a higher education institution in Arkansas.

253
 254 “Adjunct lecturer” means persons who teach counseling courses, part time for various reasons at
 255 universities in higher education. They are considered practicing counselors by profession, if licensed or
 256 licensable. They are eligible for board service under the practicing counselor category.

257
 258 “Supervisor” means an individual who holds a state appointment as a supervisor in the State
 259 Department of Education for the purpose of promoting the development of professional counselors in the
 260 public schools and holds the EdD or the PhD level of education in counseling or related field. The intent of
 261 Act 593 of 1979 was to recognize the State Supervisors of public school counselors as equal to Counselor
 262 Educators in Higher Education as persons responsible for programs and training. The amendments of Act
 263 244 of 1997 did not address nor change the intent of the Act 593 of 1979. Arkansas individuals who hold
 264 the LPC or LMFT license and also hold the Supervision Specialization License are approved to supervise
 265 LAC and LAMFT licensed individuals.

266
 267 “Licensed or Licensable” means a person who hold an Arkansas counseling or therapy license that is
 268 in good standing with the Board or persons who have filed an application and are in the process of
 269 becoming licensed by the Counseling Board. Individuals who have an application in process but fail the
 270 examinations or fingerprint check are not considered licensable.

271
 272 “Distance Learning” means distance education; learning or distance learning, a formal education
 273 process, in which instruction occurs when the student and instructor are not located in the same place.
 274 Distance learning adds technology to the learning environment by a variety of means. Instruction may be

275 synchronous or asynchronous. Courses taught via distance learning must be approved by the Board, as per
276 the rules for distance course work, prior to acceptance of courses used in an application for an Arkansas
277 license. Section 3.6 (1)(h)(i)(j) As this form of education has evolved with technology, it may be referred
278 to as cyber learning, electronic learning, distance learning. For the purposes of these rules, the term distance
279 learning refers to all none traditional methods of presentation.
280

281 “Technology-Assisted Distance Counseling” (Electronic Counseling, Cyber Counseling) for
282 Counseling or Marriage and Family Therapy means any form of services offered or rendered by electronic
283 or technology-assisted approaches when the Counselor or Marriage and Family Therapist and the client are
284 not located in the same place. Technology-Assisted Distance Counseling may be synchronous or
285 asynchronous. Only Counselors and Marriage and Family Therapists, licensed by the Arkansas Board of
286 Examiners in Counseling, who also hold the Technology-assisted Distance Counseling or Marriage and
287 Family Therapy Specialization License, may provide Technology Assisted Distance Counseling or Marriage
288 and Family services.
289

290 “Traditional Counseling” means any form of Counseling or Marriage and Family Therapy offered or
291 rendered in person, face to face, with the Counselor or Marriage and Family Therapist in the same physical
292 location.
293

294 “Group Counseling or Group Marriage and Family Therapy” means two or more persons meeting
295 with the Counselor or Marriage and Family Therapist.
296

297 “Technology” means electronically based hardware, software, video and related systems and
298 telephone systems to deliver knowledge, skills, and tools for learning and communication processes.
299 Technology for Counseling or Marriage and Family Therapy encompasses distance learning and distance
300 counseling by any form of technology system /telephone system delivers of services. See section XII for the
301 Technology-Assisted Distance Counseling definitions.
302

303 “Direct Service” means interaction with clients that includes the application of Counseling or
304 Marriage and Family Therapy for human development skills and/or for mental health issues. In general, the
305 term is used to refer to time spent by the Counselor or Marriage and Family Therapist working face to face
306 or directly with individuals or groups.
307

308 “Indirect Service” means consultation, case management, paperwork, staffing, billing and test
309 administration when the Counselor or Marriage and Family Therapist is not working directly with the
310 individuals or groups , but the services are directly related to the individuals or groups employing the
311 Counselor or Marriage and Family Therapist.
312

313 “Volunteer” means individuals offering volunteer services who are approved by the organization or
314 agency for whom the service is rendered. See II. Exemptions, Section 2.2
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321 **II. EXEMPTIONS**

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323 Section 2.1 CLERGY

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325 (a) Clergy appointed and/or endorsed by their local congregation/church, synagogue, denominational
326 institution or agency to practice pastoral counseling as parts of their responsibilities or duties of their
327 ministry assignments are exempt from licensure requirements. The assignment must be authorized
328 and/or endorsed by their local congregation/church, synagogue, denominational institution or
329 agency. International and National licenses/certifications and/or assignments do not supersede state
330 law. A.C.A. §17-27-101 et esq.

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332 (b) Any minister, clergy or pastoral counselor who has a private counseling or marriage and family
333 therapist practice (full time or part time) outside of ministry assignment, accepts fees from any
334 source, such as third party payments, clients, donations or the general public must be licensed by
335 this Board.

336

337 Section 2.2 VOLUNTEERS

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339 Individuals who offer volunteer pastoral, marriage and family therapy or counseling services are exempt
340 from licensure requirements as long as their services are authorized and supervised by the local
341 congregation/church, synagogue, denominational institution, agency, or organization for which the service
342 is rendered. Volunteers must abide by the same requirements as the authorizing congregation/church,
343 synagogue, denominational institution, agency or organization.

344

345 (a) Approval is documented by the organization or agency for which the service is
346 rendered. Approval means a description of the assignment and designation of the
347 person/persons responsible for supervising the volunteers (clergy, licensed professionals,
348 etc). Documentation is by letter on the organization or agency letterhead, signed by the
349 Arkansas organization or agency authority approving the service.

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351 (b) Any fees to recover costs for materials and/or services rendered, whether assigned
352 fees or donations, will be made payable and deposited to the agency,
353 organization, church, or synagogue that has given the approval.. Payment of any
354 type, barter or cash, to the volunteer means the volunteer has entered the private
355 sector and must be licensed according to A.C.A. §17-27-101 et esq.

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357 (c) An organization or agency includes but is not limited to Arkansas churches,
358 synagogues, military assignments, and The American Red Cross crisis assignments, etc.

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360 (d) The titles of the volunteers must not be Counselor or Therapist. Acceptable volunteer
361 title examples follow: volunteer, disciple, mentor, lay clergy, shepherd, American Red Cross
362 Disaster Mental Health supervisor or technician.

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III. LICENSING QUALIFICATIONS

Section 3.1 LICENSING ASSOCIATE COUNSELOR (LAC)

In order to be eligible as a Licensed Associate Counselor, an applicant:

- (a) Must have received a graduate degree that is primarily professional counseling in content from a regionally accredited institution. The graduate semester hours must meet the national academic and training content standards adopted by the Board and the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or equivalent;
- (b) Must demonstrate professional competencies by passing written, oral, and situational examinations as prescribed by the Board;
- (c) Must arrange supervision with a Board-approved LAC supervisor and have the plan/agreement for the supervision approved by the Board prior to license issue;
- (d) Must have met the criminal background check mandated by Act 1317 of 1997;
- (e) Must be a citizen of the U.S. or have an immigration green card to document and verify legal alien work status in the U.S. The green card must be current and issued by the U.S. Immigration Bureau.
- (f) The intent of the law is for the required three years of supervision as a Licensed Associate Counselor (LAC) to be training with the intent to become a Licensed Professional Counselor (LPC). The intent of the law is not for the LAC license to be a permanent license. If the three years of supervision, defined as Phases I, II, and III, are not completed in six calendar years from the date of the LAC license issue, the LAC license may not be renewed unless the individual holding the LAC license can document extenuating circumstances, acceptable to the Board, that would allow the Board to extend the six years. The Board, based on the documented circumstances, will determine the length of time, if any, that may be extended beyond the six years.

Section 3.2 LICENSING PROFESSIONAL COUNSELOR (LPC)

In order to be eligible as a Licensed Professional Counselor, an applicant:

- (a) Must meet the requirements of Section 3.1 with the exception of (c); and
- (b) Must provide evidence of three years of supervised full-time experience in professional counseling beyond the Master’s Degree acceptable to the Board. One year of experience may be gained for each 30-semester hours of graduate work beyond the Master’s level, provided the hours are clearly counseling in nature and acceptable to the Board. Hours earned may be substituted for no

411 more than two (2) years of supervised professional experience. The Board of Examiners in
412 Counseling does not have the power to waive any required period of supervised experience.
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415 Section 3.3 LICENSSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST (LAMFT)
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417 In order to be eligible as a Licensed Associate Marriage and Family Therapist, an applicant:
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419 (a) Must have received a graduate degree in marriage and family therapy or related field from a
420 regionally accredited institution. The graduate semester hours must meet the national academic and
421 training content standards adopted by the Board from the Commission on Accreditation for Marriage
422 and Family Therapy Education (COAMFTE) or the Council for Accreditation Counselor Related
423 Education Programs (CACREP) or equivalent;
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425 (b) Must demonstrate professional competencies by passing written, oral, and situational
426 examinations prescribed by the Board;
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428 (c) Must arrange supervision with a Board-approved Licensed Associate Marriage and Family
429 Therapist supervisor and have the plan/agreement for supervision approved by the Board prior to
430 license issue;
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432 (d) Must have met the Criminal Background Check mandated by Act 1317 of 1997;
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434 (e) Must be a citizen of the U.S. or have an immigration green card to document and verify legal
435 alien work status in the U.S. The green card must be current and issued by the U.S. Immigration
436 Bureau.
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438 (f) The intent of the law is for the required three years of supervision as a Licensed Associate
439 Marriage and Family Therapist (LAMFT) to be training with the intent to become a Licensed
440 Marriage and Family Therapist (LMFT). The intent of the law is not for the LAMFT license to be a
441 permanent license. If the three years of supervision, defined as Phases I, II, and III, are not
442 completed in six calendar years from the date of the LAMFT license issue, the LAMFT license may
443 not be renewed unless the individual holding the LAMFT license can document extenuating
444 circumstances, acceptable to the Board, that would allow the Board to extend the six years. The
445 Board, based on the documented circumstances, will determine the length of time, if any, that may
446 be extended beyond the six years.
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448 Section 3.4 LICENSSED MARRIAGE AND FAMILY THERAPIST (LMFT)
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450 In order to be eligible as a Licensed Marriage and Family Therapist, an applicant:
451

452 (a) Must have received a graduate degree in Marriage and Family Therapy or related field from a
453 regionally accredited institution. The graduate semester hours must meet the national academic and
454 training content standards adopted by the Board from the Commission on Accreditation for Marriage
455 and Family Therapy Education (COAMFTE version 10.1) or the Council for Accreditation of
456 Counseling and Related Educational Programs (CACREP) 2001 Standards, pages 87-88;

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- (b) Must demonstrate professional competencies by passing written, oral, and situational examinations prescribed by the Board;
- (c) Must have met the Criminal Background Check mandated by Act 1317 of 1997;
- (d) Must be a citizen of the United States or have a green card to document and verify legal alien work status in the U.S. The green card must be current and issued by the United States Immigration Bureau; and
- (e) Must provide evidence of three years of supervised full-time experience in marriage and family therapy beyond the Master’s Degree acceptable to the Board. One year of experience may be gained for each 30 semester hours of graduate work beyond the Master’s level, provided the hours are clearly marriage and family therapy in nature and acceptable to the Board. Hours earned may be substituted for no more than two years of supervised professional experience. The Board of Examiners in Counseling does not have the power to waive any required period of supervised experience.

Section 3.5 Specialization Areas

- (a) The Board shall evaluate areas of specialization. The Board will use the national standards for the preparation of counselors, prepared by the specific professional association, as a guide in establishing the standards for counseling; i.e., Rehabilitation Counseling, Pastoral Counseling, Coaching, Career Counseling, School Counseling, Clinical Mental Health Counseling/Psychotherapy, Geriatric Counseling, Counseling Supervision, Drug & Alcohol, Addictions, Appraisal, Art, Music, Mediation, Technology-assisted Counseling or Marriage and Family Therapy, Technology-assisted Supervision, Traditional Supervision, Recreation Therapeutic Counseling or other specified counseling areas. If no national standards are available, the Board will adopt the highest Arkansas standards available.
- (b) Specialization licenses will be granted to individuals who hold the LPC, LAC, LAMFT, or LMFT license and are in good standing with the Board. The applicant for the specialization license who holds certification, registry, or license issued by recognized and Board approved national associations or credentialing bodies will submit that documentation. All certifications received directly from the National Board for Certified Counselors (NBCC) or the American Association for Marriage and Family Therapist (AAMFT) will be accepted as evidence of specialization. If no national standards are available the Board will adopt the highest Arkansas state standards available for that specialization.
- (c) Specialization approved national associations or credentialing bodies follow:

Appraisal and Supervision
 (Request application materials from)
 Arkansas Board of Examiners in Counseling
 P.O. Box 70
 Magnolia, AR 71754-0070
 Phone: (870) 901-7055

Hypnotherapy
 (Request application materials from)
 National Board for Certified Clinical Hypnotherapists (NBCCH)
 8750 Georgia Ave., Suite 142-E
 Silver Spring, Maryland 20910
 Phone: (301) 608-0123 or (800) 449-8144

Rehabilitation

(Request application materials from)

Commission on Rehabilitation Counselor Certification (CRCC)
1835 Rohlwing Rd., Suite E
Rolling Meadows, Illinois 60008
Phone: (708) 394-2104

Pastoral

(Request application materials from)

American Association of Pastoral Counselors (AAPC)
9504 A Lee Highway
Fairfax, Virginia 22031-2303
Phone: (703) 385-6967

Association for Clinical Pastoral Education, Inc.
1549 Clairmont Road, Suite, 103
Decatur, GA 30033
Email: acpe@acpe.edu
www.acpe.edu

American Art Therapy Association, Inc.

(Request application materials from)

1202 Allanson Rd.
Mundelein, IL 60060-3808
Phone: (847) 949-6064
www.arttherapy.org

Career, School, Addictions, Gerontological,

Clinical Mental Health Counselor/Psychotherapist

(Request application materials from)

National Board for Certified Counselors (NBCC)
3 Terrace Way, Suite D
Greensboro, NC 27403-3660
Phone: (336) 547-0607

Recreation Therapeutic Counselor

(Request application materials from)

National Council for Therapeutic Recreation Certification (NCTRC)
7 Elmwood Drive
New City, New York 10956
Phone: (845) 639-1439
www.NCTRC.org

Drug & Alcohol

(Request application materials from)

Arkansas Substance Abuse Certification Board (ASACB)
UALR-Midsouth
2801 South University Ave.
Little Rock, AR 72204-1099
Phone: (501) 569-3073

Play Therapy

(Request application materials from)

Association for Play Therapy
2050 N. Winery Ave., #101
Fresno, CA 93703
Phone: (559) 252-2278
info@a4pt.org

Technology -assisted Specialization

Comply with Rule Section 3.5, (9), (A-F)
page 12, and Section XII pages 43 through 49

Dance Therapy

(Request application materials from)

American Dance Therapy Association (ADTA)
2000 Century Plaza, Suite 108
10632 Little Patuxent Parkway
Columbia, Maryland 21044

Mediation

Arkansas Alternative Dispute Resolution
Commission
(Request application materials from)
Arkansas Alternative Dispute Resolution
Commission
625 Marshall Street
Little Rock, AR 72201
Phone: (501)682-9400

497
498
499
500

(d) Specialization license clarification for the following:

501 (4) Pastoral Counseling specialization license standard for issue for Clergy who are licensed
502 by this Board and who are credentialed as member, fellow, or diplomat by the American
503 Association of Pastoral Counselors (AAPC) or Association for Clinical Pastoral Education
504 (ACPE).

505
506 (5) Rehabilitation Counselor specialization license standard for issue being for
507 Counselors/Therapist who are licensed by this Board and who are credentialed by the
508 Commission on Rehabilitation Counselor Certification (CRCC).

509
510 (6). Appraisal Specialization license standards for issue being (A) or (B) and (C)

511
512 (A) The curriculum and assessment experience standards acceptable for the School
513 Psychology Specialist Specialization Certification/License issued by the Arkansas
514 State Department of Education.

515 OR

516 (B) The standards for the School Psychologists from the National Association of
517 School Psychologists (NASP).

518
519 (C) Documentation of a passing score on the School Psychologist
520 Examination (Praxis II) Code 0400 from Educational Testing
521 Service (ETS) required for (A) or (B).

522
523 (7) Supervision Specialization license standards for issue being:

524
525 (A) Three (3) years experience as a Licensed Professional Counselor and/or a
526 Licensed Marriage and Family Therapist

527
528 (B) Good standing (as LPC and/or LMFT) in Arkansas

529
530 (C) Documentation of one of the following:

531
532 (i) A doctorate, primarily counseling/therapy in content, which included both
533 course work in supervision (specific to the supervision license, LAC or
534 LAMFT) and supervised experience in supervision; or

535
536 (ii) A completed, advanced three (3) hour graduate course in clinical
537 supervision (specific to the supervision license, LAC or LAMFT) which
538 included eighteen (18) hours of supervised experience in supervision arranged
539 as part of the graduate course; or

540
541
542 (D) Must submit and have Board approval of:

543
544 (i) A typed description of his/her theoretical orientation to supervision (specific
545 to the supervision license, LAC or LAMFT), including model of supervision,
546 and techniques of practice;

547
548 (ii) A signed code of ethics agreement and a group supervision plan and forms;
549

550 (iii) An Oral Examination with the Board
551

552 (8) Mediation Specialization license standard for issue being the Certification Standards
553 established by the Arkansas Commission for Mediation.
554

555 (9) Technology-Assisted Distance Counseling or Marriage and Family Therapy
556 Specialization license standards for issue for Counseling or Marriage and Family Therapy or
557 Supervision being:
558

559 (A) A licensed LPC/LAC or LMFT/LAMFT in good standing with the Board must
560 apply for the Technology-assisted Distance Counseling or Marriage Family Therapy
561 specialization license and submit documentation of training for approval by the Board. As
562 training sources are developed, the responsibility for seeking Board endorsement for the
563 training rests with the provider of the training. The provider must submit a written request
564 with materials documenting the training content for Board review and approval prior to
565 endorsement of the training.
566

567 (B) The written submission of a detailed plan that delineates how the applicant will meet
568 provisions of the 2005 American Counseling Association Code of Ethics and the Standards
569 in Section XII regulating Technology-Assisted Distance Counseling or Marriage and Family
570 Therapy for Board approval.
571

572 (C) Revised Statement of Intent (scope of practice) that includes a description of the
573 Technology-Assisted Distance Counseling or Marriage and Family Therapy.
574

575 (D) The Board may require an oral examination if there are unresolved questions about
576 requirements (9) (A-F).
577

578 (E) The submitted materials must be approved by the Board prior to the Technology-
579 Assisted Distance Counseling or Marriage and Family Therapy Specialization license being
580 issued.
581

582 (F) Any Technology-Assisted Distance Counseling or Marriage and Family Therapy
583 that occurs within the State of Arkansas, whether by an Arkansas counselor or by an out of
584 state Counselor or Marriage and Family Therapist, is deemed to have occurred in Arkansas.
585 All providers of services whether traditional or Technology-Assisted who may offer or
586 provide Counseling or Marriage and Family Therapy services to individuals or groups must
587 hold a valid Arkansas license to provide such services.
588

589 (e) Specialization requests not already specified will be reviewed by the Board and standards
590 established as needed.
591

592 (f) Licensed Counselors or Therapists who apply for a specialization license will be issued such
593 license upon completion of the application for a specialization, documentation of a valid national or
594 required credential (certificate, registry, or license), pass on the oral examination (if required),
595 payment of the specialization fee, and approval by majority vote of the Board.
596

597 Section 3.6 GRADUATE COURSE REQUIREMENTS
598

599 (a) The applicant must have received a graduate degree from a regionally accredited institution of
600 higher education that is primarily professional counseling or therapy in content and document
601 completion of a minimum of 60 graduate semester hours in course work, counseling/therapy in
602 content, that meet the academic and training standards established by the Board. The counseling
603 programs, from which the degree/courses are earned, within the institution, shall meet the standards
604 for the preparation of counselors by the specific national professional associations related to each
605 license.
606

607 (b) The adopted standards of the national accrediting body, The Council for Accreditation of
608 Counseling and Related Educational Programs (CACREP) for Licensed Associate Counselor (LAC)
609 and for Licensed Professional Counselor (LPC). Endorsed and adopted as parallel are the standards
610 of the following: The Council on Rehabilitation Education (CORE, Standards July 1, 2003), the
611 United States Department of Education (USDE), and the Council for Higher Education
612 Accreditation (CHEA).
613

614 Other nationally recognized accrediting bodies will be reviewed for Board endorsement as needed.
615

616 (c) The adopted standards for Licensed Associate Marriage and Family Therapist (LAMFT) and
617 Licensed Marriage and Family Therapist (LMFT) are the Commission on Accreditation for Marriage
618 and Family Therapy Education Standards (COMFTE version 10.1) or CACREP Standards – 2001
619 Edition, pages 87-88, for Marriage and Family Therapy.
620

621 (d) Documentation from the institution issuing the credit may be required in addition to the Core
622 Curriculum section of the application to verify that all course standards are met if the institution has
623 not previously filed and gained approval for courses with the Arkansas Board.
624

625 (e) (1) Core Curriculum for LAC or LPC includes:
626

627 (A) Professional Identity, Pages 60-61 (3 Graduate Hour Minimum)

628 (B) Social and Cultural Diversity, Page 61 (3 Graduate Hour Minimum)

629 (C) Human Growth and Development, Pages 61-62 (3 Graduate Hour Minimum)

630 (D) Career Development, Page 62 (3 Graduate Hour Minimum)

631 (E) Helping Relations, Pages 62-63 (3 Hour Graduate Minimum)

632 (F) Group Work, Pages 63-64 (3 Graduate Hour Minimum)
633
634
635
636
637

638
639 (G) Assessment, Page 64 (3 Graduate Hour Minimum)
640

641 (H) Research and Program Evaluation, Pages 64-65 (3 Graduate Hour Minimum)
642

643 (I) Practicum and/or Internships, Pages 66-68 (9 Hour Minimum),
644 Effective January 1, 2003
645

646 (f) January 1, 2005, courses (1-3), listed below became mandated core curriculum courses for any
647 application processed for any license issued by the Board. The three courses are in addition to the
648 requirements in (c) and (d) above.
649

650 (1) Psychopathology, including DSM and ICD training (3 Hour Minimum)
651

652 (2) Family and Relationship (3 Hour Minimum)
653

654 (3) Psychopharmacology (3 Hour Minimum)
655

656 (g) International degree(s) relied on in applying for a license of any kind from the Arkansas Board
657 must be submitted with an English translation and certification from a credential evaluation service.
658 These agencies must certify that the international degree is equivalent to a United States graduate
659 degree. All cost for the certification is the responsibility of the applicant. The applicant may contact
660 the Board office for information about approved agencies that provide the services.
661

662 (h) All graduate course hours used in the application for any license issued by the Arkansas Board
663 must have a "B" grade or above. Grades of "C" or below will not be accepted for licensure purposes.
664

665 (i) (1) Distance/Cyber/Electronic education degrees will be treated the same as onsite education
666 degrees if the degrees are primarily professional counseling or therapy in content and are
667 earned from a regionally accredited institution of higher education and the distance
668 education degree programs are accredited as required, ((j) (A-H).
669

670 (2) Each course within the degree must meet the requirements in CACREP Standards-2001,
671 pages 60-88. Courses must be graduate credit, meet the CACREP standards, and meet the
672 American Counselor Educators and Supervisors (ACES) course guidelines. ACES
673 Technology Interest Network 1999, course quality items 1-26, are adopted for distance
674 learning courses.
675

676 (3) Cyber/Distance learning includes cyber/distance (electronic) learning/education. The
677 definition of distance learning/education acceptable to the Board for licensure purposes is a
678 formal education process in which instruction occurs when the student and instructor are not
679 located in the same place. Distance learning adds technology to the learning environment by
680 a variety of means, such as web sites, e-mail, video conferencing, and videotapes. Instruction
681 may be synchronous or asynchronous. Video tapes may not comprise more than 20% of the
682 instruction time in any one course.
683

684 (j) The responsibility for documenting that each course, content and presentation, meets the
685 standards for Board endorsement and acceptance is the responsibility of the granting institution and
686 the applicant. The Board review and acceptance/denial of each Cyber/Distance/Electronic course is
687 mandated prior to the application being processed for any Arkansas license issued by the Board.
688

689 (k) Institutions of higher education that have graduate counselor education and related graduate
690 programs that are not accredited/certified by CACREP must seek endorsement from the Arkansas
691 Board. The Board has endorsed certification/accreditation from the following as equivalent or
692 parallel to CACREP: The Council on Rehabilitation Education (CORE, 2001 edition), the United
693 States Department of Education, the Council for Higher Education Accreditation, (CHEA) or
694 institutions accredited by other nationally recognized accrediting bodies must seek and secure
695 endorsement equivalency to the adopted standards from the Arkansas Board of Examiners in
696 Counseling. The endorsement must be completed prior to applications and course work of graduates
697 from those programs being processed. The institution seeking endorsement must submit the
698 following information for Board review:
699

- 700 (1) Ten (10) graduate catalogs;
- 701
- 702 (2) A completed Core Curriculum for the 60 hour requirements, effective January 1,
703 2003 with the course numbers and titles from the graduate program;
- 704
- 705 (3) A copy of each syllabus listed on the Core Curriculum;
- 706
- 707 (4) A letter from the university verifying that the content of the courses are equivalent
708 to the CACREP Standards, 2001. The CACREP Course Standards-2001 are the
709 standards used for a transcript to be processed for licensure purposes;
- 710
- 711 (5) Documentation that the quality of each course meets the Course Quality
712 Guidelines, 1- 26, of the ACES 1999 Guidelines;
- 713
- 714 (6) A copy of the distance learning program or traditional program
715 approval/accreditation from the accrediting/certifying agency that has accredited the
716 university degree program/programs;
- 717
- 718 (7) The software used for distance learning platform; and
- 719
- 720 (8) Any other materials the university would like to submit to the Board to support
721 the institution's endorsement request.
722

723 When the information (j)(k) (1-8) is received, reviewed, and approved by the Board, the administrative
724 office staff may use the information to review current and future transcripts from graduates of the endorsed
725 institution. The institution has the responsibility to keep the syllabi and other university materials current to
726 expedite any applications received from graduates of the institution. The institution has the responsibility to
727 ensure that all courses meet the requirements set forth in the Rules/Regulations.
728
729

730 (1) Unacceptable coursework:

731
732 (1) Undergraduate credits will not be accepted toward the academic requirements for
733 licensure or supervision.

734
735 (2) Graduate credits from correspondence study, on-line video courses, satellite,
736 home study or similar non-residence credits will not be accepted toward the academic
737 requirements for licensure nor to decrease the number of required Client Contact
738 Hours (CCH) for supervision. Such courses may be accepted for continuing education
739 credits upon Board approval.

740
741 (3) Courses described in (3) (b) may be accepted for continuing education credit only.

742
743 (4) No course with a grade of C or below will be accepted for licensure, continuing
744 education, or supervision substitution purposes.

745
746 **IV. SUPERVISION**

747
748 Section 4.1 SUPERVISION CONTENT

749
750 (a) Supervision for the Associate Counselor in Arkansas must be provided by a practitioner who is a
751 Licensed Professional Counselor, holds approved supervisor status from the Arkansas Board and whose
752 license is valid (i.e. not suspended due to delinquent renewal or disciplinary action). Supervision hours for
753 applicants moving into the state must be approved by the Board. The Standards for Clinical Approved
754 Supervisor (CAS) by the National Board for Certified Counselors are adopted by the Board as the standards
755 to ensure the preparation in methods and techniques for practicing counselors who offer clinical supervision
756 services to Associate Counselors for the protection of the client.

757
758 (b) Supervision for the Associate Marriage and Family Therapist in Arkansas must be provided by a
759 practitioner who is a Licensed Marriage and Family Therapist, holds approved supervisor status from the
760 Arkansas Board, and whose license is current. (i.e. not suspended due to delinquent renewal or disciplinary
761 actions). Supervision hours for applicants moving into the state must be approved by the Board. The
762 Standards for Clinical Approved Supervisor (CAS) by the National Board for Certified Counselors are
763 adopted by the Board as the standards to ensure the preparation in methods and techniques for practicing
764 counselors who offer clinical supervision services to Associate Counselors for the protection of the client.

765
766 (c) Counselors or Marriage and Family Therapists licensed at the associate level must complete three years
767 of Client Contact Hours (CCH) with supervision. One year is defined as 1000 supervised CCH. One year is
768 referred to as Phase I for the first year, Phase II for the second year and Phase III for the third year. The
769 supervision must be provided in the following manner:

770
771 (1) Year I (Phase I) is supervision of 1,000 CCH and the minimum of one hundred hours of
772 supervision. The ratio of supervision is one hour of supervision for each 10 hours of client
773 contact.

774

775 (2) Year II (Phase II) is supervision of 1,000 CCH and the minimum of fifty hours of
776 supervision. The ratio of supervision is one hour of supervision for each 20 hours of client
777 contact.

778 (3) Year III (Phase III) is supervision of 1,000 CCH and the minimum of 25 hours of
779 supervision. The ratio of supervision is the minimum of one hour of supervision for each 40
780 hours of client contact. Two options are available for year III, see Section (e).
781

782 (d) All required supervision will begin with Phase I. All supervision in Phase I must be completed
783 before beginning Phase II, and all in Phase II must be completed before beginning Phase III. All
784 post-master's course work to be substituted for supervision will be applied to Phase III, then Phase
785 II. No course work may be substituted for supervised practice in Phase I. All documented
786 supervised work from other states, approved by the Board, will be applied to Phase III and then
787 Phase II.
788

789 (e) Supervised experience in Phases I, II and III will be credited at the ratio specified by the Board
790 for face to face (direct services) and indirect services as defined in Section I (1.9) and Section IX
791 (3)(4)(5)(6).
792

793 Group Supervision may not exceed fifty percent of the total 3000 client contact hours for LACs.
794 LAMFTs must have a minimum of fifty percent of the 3000 client contact hours in family/group
795 sessions.
796

797 Client Contact Hours (CCH) means clock hours of the group sessions. Group sessions reported are
798 the clock hours of the sessions, not the clock time multiplied by the number of persons in the group.
799

800 Indirect Service hours applied to supervised experience may not exceed 200 CCH in Phase I, 300
801 CCH in Phase II, and 300 CCH in Phase III.
802

803 Hours spent conducting Psycho-educational groups (whether inpatient/outpatient or at other
804 locations) may not be credited as therapy/counseling for the required supervised work.
805

806 (f) LAC/LAMFT options for Phase III
807

808 A LAC/LAMFT may acquire the required 1000 CCH hours in direct and indirect services
809 with the minimum of 25 hours of supervision in the required ratio of one hour of supervision for
810 each 40 hours of CCH. The indirect service hours may not exceed 300 CCH of the total 1000 CCH.
811

812 OR

813 The LAC/LAMFT may choose to take the NCMHCE option:
814

815 The National Clinical Mental Health Counseling Examination (NCMHCE) **option** is available for the
816 Licensed Associate Counselor (LAC) and the Licensed Associate Marriage and Family Therapist (LAMFT)
817 who petitions for the Licensed Professional Counselor (LPC) or the Licensed Marriage and Family (LMFT)
818 license upon completion of the required supervised Client Contact Hours (CCH) as a Licensed Associate
819 Counselor (LAC) or Licensed Associate Marriage and Family Therapist (LAMFT).

820
821 (1) The LAC/LAMFT may petition the Board to take the NCMHCE with recommendation of
822 the contracted supervisor upon the completion of Phase II. When approved, the applicant
823 may apply to NBCC and take the NCMHCE. The passing score will be the national cut off
824 score. A pass score on the NCMHCE will be equated to 500 Client Contact Hours (CCH)
825 and applied to Phase III.
826

827 When the passing score on the NCMHCE, all supervised CCH's are completed and
828 documented, revised Statement of Intent and LPC/LAMFT license fee are received, the LPC
829 or LMFT license may be issued and supervision may cease.
830

831 If the LAC/LAMFT has completed the NCMHCE option, has met the supervision and course
832 requirements for the Arkansas Clinical Mental Health Counselor License, that specialization
833 license may be issued.
834

835 Test dates for the NCMHCE will be the same as the dates established for the NCE and all
836 examinations will be administered by NBCC. The candidate will send test application and
837 test fee directly to NBCC.
838

839 (g) Group supervision may not exceed half of the total Board specified supervision requirements. A
840 supervision group is defined as consisting of two (2) to five (5) supervisees with the contracted
841 supervisor.
842

843 (h) The contracted supervisor may not delegate supervision responsibility to any other individual.
844 The contracted supervisor should have an emergency plan on file if he/she were to be unavailable.
845

846 (i) Post-master's course work may be applied toward supervised experience in accordance with the
847 rules and regulations governing both Licensed Professional Counselors and Licensed Marriage and
848 Family Therapists. The Board may accept thirty (30) hours of graduate coursework acceptable to the
849 Board for Phase III and then for Phase II. The maximum of 60 hours of graduate work may be
850 substituted for face-to-face supervision. In no case may the Board waive the Phase I (1000 CCH at
851 the 1:10 ratio) supervision requirements.
852

853 Section 4.2 SUPERVISEE REQUIREMENTS AND RESTRICTIONS

854

855 (a) All Licensed Associate Counselors must have a Board-approved supervision plan/agreement
856 prior to providing any counseling services. The Licensed Associate Counselor must notify the
857 Board immediately and in writing of any proposed change in supervisors. The Licensed Associate
858 Counselor must obtain Board approval of any change in supervisors. Failure to maintain an
859 approved current supervision agreement will result in license suspension or revocation.
860

861 (b) All Licensed Associate Marriage and Family Therapists must have a Board-approved supervision
862 plan/agreement prior to providing any therapy services. The Licensed Associate Marriage and
863 Family Therapists must notify the Board immediately and in writing of any proposed change in
864 supervisors. The Licensed Associate Marriage and Family Therapists must obtain Board approval of

865 any change in supervisors. Failure to maintain an approved current supervision agreement will
866 result in license suspension or revocation.

867
868 (c) Counselors or Marriage and Family Therapists licensed at the associate level may offer
869 professional counseling services beginning the date of approval on a valid and current supervision
870 agreement filed with the Board and be under the supervision of a Board licensed supervisor. Not one
871 client may be seen prior to that date. No clients may be seen by the associate licensee if the
872 supervision agreement has expired and a new one has not been Board approved. There is no grace
873 period for a supervision agreement that has expired; the associate licensee must cease and desist
874 practice the expiration date of the agreement. Both supervisee and supervisor are responsible for
875 being cognizant of the expiration date and for maintaining a current supervision agreement.

876
877 (d) The LAC or LAMFT is the responsible party for:

878
879 (1) Maintaining a current, valid, and approved supervision contract on file with the Board prior
880 to providing any counseling services. The primary responsibility is with the LAC or LAMFT,
881 but is a shared responsibility with the supervisor. Any practice or service rendered by the
882 supervisee or any supervision by the supervisor becomes illegal at 12:01 midnight the
883 expiration date of the agreement.

884
885 (2) Maintaining an accurate Statement of Intent (Scope of Practice) and filing a copy of the
886 current Board approved statement with the supervisor of record.

887
888 (3) Submission of supervision reports each six (6) months.

889
890 (e) Supervisees must carefully avoid multiple relationships with supervisors that interfere with the
891 supervisory relationship; such as, having the ability to hire or dismiss the supervisee from
892 employment.

893
894 Section 4.3 SUPERVISOR REQUIREMENTS AND RESTRICTIONS

895
896 (a) A Counselor or Therapist, holding a Supervision Specialization License, shall not sign new
897 supervision plans/agreements if supervisor's license has not been renewed or if the supervisor is
898 under investigation. If under investigation, no new contracts may be signed or submitted to the
899 Board until all reviews, hearings, or disciplinary actions (if any in progress) are completed and
900 resolved.

901
902 (b) Supervisors will be limited to ten (10) active supervision contracts at any given time. Board
903 approval and directive must be completed prior to expansion of the ten contracts on file with the
904 Board office. Inactive LAC/LMFT will not be counted in the ten, if inactive status is documented
905 and Board approved. Board approval and directive must be completed prior to extension above the
906 ten contracts recorded in the Board office.

907
908 (c) The Board office staff may not approve supervision contract/agreements to exceed ten active
909 supervisees (10) for any one supervisor.

910

911 (d) Supervisors must have a Board approved copy of a supervision plan/agreement dated prior to
912 providing supervision to a LAC or LAMFT.

913
914 (e) Supervisors must carefully avoid multiple relationships with supervisees that interfere with the
915 supervisory relationship; such as, having the ability to hire or dismiss the supervisee from
916 employment.

917
918 (f) The supervisor and the supervisee are both the responsible parties for maintaining a current Board
919 approved supervision agreement/plan. Any practice or service rendered by the supervisee or any
920 supervision by the supervisor becomes illegal at 12:01 midnight the expiration date of the
921 agreement.

922
923 Section 4.4 SUPERVISION OF CLIENT CONTACT HOUR REPORT AND
924 SUPERVISION EVALUATION

925
926 (a) Supervision evaluations and Client Contact Hours reports are due every six (6) months
927 regardless of the number of CCH accumulated.

928
929 (b) The LAC or LAMFT is the party responsible for submission of supervision reports and
930 evaluations every six (6) months.

931
932 (c) The maximum of a thirty (30) day grace period is allowed for the Board to receive the reports
933 and evaluations.

934
935 (d) Reports submitted thirty-one to sixty days (31-60) days in arrears will be reviewed by the Board
936 on a case by case basis to determine whether or not the hours will be accepted. The licensee and the
937 supervisor must send written explanation for the late report. The Board will evaluate the stated
938 reasons for the late reports. The Board may request the Supervisor and Supervisee to meet with the
939 Board for additional information prior to making a decision concerning the situation.

940
941 (e) Reports submitted sixty-one (61) days in arrears will not be accepted by the Board for the
942 contract period in question. A continual pattern of violation and failure to comply with the law may
943 result in an Administrative Hearing for disciplinary action, suspension or revocation of license.

944
945 (f) The supervisor and the supervisee are both the responsible parties for maintaining a current;
946 Board approved supervision agreement/plan. Any practice or service rendered by the supervisee or
947 any supervision by the supervisor becomes illegal at 12:01 midnight the expiration date of the
948 agreement.

949
950 **V. APPLICATION REQUIREMENTS**

951
952 Section 5.1 STATEMENT OF INTENT

953
954 The Statement of Intent (Scope of Practice) to practice must be machine produced, either by word
955 processing or typing, signed and dated on each page. The statement must be consistent with the credentials

956 documented in the application for licensure and include a satisfactory response to all items on the Statement
957 of Intent (Scope of Practice) form.

958
959 Section 5.2 TRANSCRIPTS

960
961 (a) Applicants must submit official transcript documentation for Board review. The Board office
962 staff will review applicants' transcripts to ensure:

963
964 (1) That all academic coursework for licensure has been completed at institutions of higher
965 education having accreditation duly recognized by the Board for degree programs and
966 courses;

967
968 (2) That applicants are minimally qualified to sit for the appropriate written examination (s)
969 by having completed either the required CACREP or COAMFTE core curriculum courses;
970 and

971
972 (3) That core curriculum courses have been completed prior to admission to written
973 examination/examinations unless exempt under section 6.2 (d).

974
975 (4) That all course grades are B or above.

976
977 (b) If the transcript courses titles are ambiguous or do not adequately convey the pertinent content of
978 the courses, the Board office staff is to request documentation of content from the applicant for
979 clarification purposes.

980
981 Section 5.3 PROOF OF SUPERVISION

982
983 The applicant (licensed in another state or with an Arkansas state agency) will submit a record of post-
984 master's supervised Counseling work related experience and/or Marriage and Family Therapy work related
985 experience for Board approval. The approved experience will determine the applicant's license (Associate
986 or Professional) level.

987
988 Section 5.4 REFERENCES

989
990 (a) The applicant will submit a minimum of three (3) references. Copies of references sent directly
991 from other state boards or university placement centers will be accepted by endorsement if no more
992 than five years old. Two of the three must be from mental health professionals. One may be from
993 personal choice.

994
995 (b) The Board will not accept evaluations recommendations, and documentation of supervised
996 experience from persons related either by blood (both lineal and collateral consanguinity) or
997 marriage (affinity). Current members of the Board may not submit references for the applicants.

998
999 (c) If a Board member supervised an applicant in graduate courses, the supervision may be
1000 documented and verified by that Board member. A Board member will not lead the Oral
1001 Examination nor evaluate the application file of a former student.

1002
1003 (d) All forms and instructions included in the application process will be considered
1004 part of the rules and regulations of the Board. The forms may not be altered or changed by
1005 applicants.
1006

1007 Section 5.5 BOARD DECISIONS
1008

1009 An affirmative vote of a majority of those Board members present and voting will be held as evidence that
1010 the applicant:

1011
1012 (a) Has passed the oral examination.
1013

1014 (b) Has to pass a situational examination required because of unresolved questions.
1015

1016 (c) Application is processed for the Associate or the Professional License as determined by the
1017 documented, approved post-master's work experience.
1018

1019 (d) Has been denied the license. The applicant will be so notified by certified or signature
1020 confirmation mail. Specific reasons for the denial will be stated.
1021

1022 (e) Has been granted the license based on satisfactory completion of the application process.
1023

1024 Section 5.6 APPLICANT STATUS WITH OTHER PROFESSIONAL ORGANIZATIONS
1025 AND BOARDS
1026

1027 Applications from individuals who are under investigation, sanction, probation, disciplinary supervision,
1028 revocation, or rehabilitation by counseling, psychology, social work, or other related Boards or credentialing
1029 bodies will not be considered for an Arkansas license until documentation from the issuing body is received
1030 that the sanctions are removed or completed. Applications from individuals who have violations of
1031 Arkansas Code Annotated § 17-27-313 and are pardoned by the Governor are not exempt from the
1032 requirements of Arkansas Code Annotated §17-27-313.
1033

1034 Section 5.7 DURATION OF APPLICATION
1035

1036 (a) Applications are active for twelve (12) calendar months from the date the application is received
1037 in the Board office.
1038

1039 (b) If the application process is not completed and the license issued in the twelve months, an
1040 applicant may request Board approval for an extension of the twelve month application window. If
1041 an extension is not requested, or is denied, the application becomes void and the individual must
1042 apply as any new applicant at any future date.
1043

1044 (c) If new requirements have been placed for applicants in the twelve-month window the Board may
1045 require that the new requirements be met within the extension period as part of the application
1046 extension approval.
1047

1048 (d) A second extension period is discouraged and will only be considered by the Board when very
1049 unusual, extenuating circumstances are documented.
1050

1051 **VI. EXAMINATIONS**

1052
1053 Section 6.1 GENERAL ADMINISTRATION

1054
1055 (a) An applicant, whose credentials meet the requirements of Ark. Code Ann. § 17-27-301 through
1056 305, will be scheduled for written and oral examinations by the Board staff. Situational examinations
1057 may be required by the Board if deemed necessary.
1058

1059 (b) The Board administrative staff will compile lists of applicants who have met all requirements for
1060 admission to the NCE, AMFTRB, and/or NCMHCE examination(s). The list will be supplied to the
1061 national test administrators on the deadline date for the designated examination.
1062

1063 (c) Each year the Board will contract for the administration of:

1064
1065 (1) The National Counseling Examinations (NCE) with the National Board for Certifying
1066 Counselors (NBCC).

1067
1068 (2) The National Clinical Mental Health Counseling Examinations (NCMHCE) with NBCC.
1069

1070 (3) The Examinations in Marital and Family Therapy with the Association of Marital and
1071 Family Therapy Regulatory Boards (AMFTRB).
1072

1073 (d) National cut-off scores established by the national examination agencies for each examination
1074 date are the minimum scores accepted by the Arkansas Board for an applicant to meet respective
1075 written examination requirements for licensure.
1076

1077 (e) If the Board votes to deny the license, the applicant will be so notified by certified or signature
1078 confirmation mail. Specific reasons for denial will be stated.
1079

1080 (f) License will be granted to applicants who satisfactorily complete the application process and are
1081 approved by a majority vote of the Board.
1082

1083 (g) an applicant who fails required written examination the first time attempted may take it the
1084 second time at any date of his/her choice.
1085

1086 (h) If the applicant fails to pass written, oral, or situational examination(s) in two trials, the
1087 applicant's application file will be removed from active status. The applicant must wait two years
1088 from the date of the second examination and apply as a new applicant meeting any requirements in
1089 place the date the new application is received in the Board office.
1090

1091 (i) Prior to an application being processed when an examination has been failed two times, the Board
1092 requires:
1093

1094 (1) A new application for licensure and examination may not be submitted prior to two years
1095 following the date of the second failed examination; and

1096
1097 (2) Documentation of completed additional graduate study in Counseling or Marriage and
1098 Family Therapy or other remedial work that the Board may specify.
1099

1100 Section 6.2 WRITTEN EXAMINATIONS

1101
1102 (a) All applicants for licensure must complete one of the following written examinations.
1103

1104 (1) Counselor applicants must satisfactorily complete the National Counseling Examination
1105 (NCE) unless licensed in another state and required to take the NCMHCE (Section 9.(i)).
1106

1107 (2) Marriage and Family Therapist applicants must satisfactorily complete the American
1108 Marriage and Family Therapy Regulatory Board (AMFTRB) examination and meet the
1109 national pass score.
1110

1111 (b) The Board will adopt a prepared standardized test covering the specialized knowledge common
1112 to each license. The Board may contract with test design specialists to prepare and provide materials
1113 for such testing and to revise the examination as deemed necessary. Subtests in specialty skill areas
1114 may be a part of updating. The national pass score determined for each examination by the testing
1115 company is the acceptable score determined by the Board to be the pass level to qualify the applicant
1116 for the oral and situational examinations.
1117

1118 (c) Submission of application documentation and fees for national written examinations occurs in
1119 two (2) steps:
1120

1121 (1) Test application and associated fees must be made directly to the national examining
1122 organizations for admission to sit for the written examinations. The test applications and fees
1123 for written examinations must comply with the test company's deadlines.
1124

1125 (2) The licensure application, including transcripts, statements of intent, letters of
1126 recommendation and payment of the licensure application fee, must be received by the Board
1127 office 4 weeks prior to the test application deadline set by the national examining
1128 organization for the applicant's name to be added to the approved list for test admission.
1129

1130 (d) Persons who are enrolled in the final semester of graduate study in counseling or marriage and
1131 family therapy and have completed the core curriculum courses may be admitted to the written
1132 examination by submitting to the Board, with their application, a letter stating their projected
1133 graduation date from one of the following college or university officials:
1134

1135 (1) Faculty Internship Coordinator

1136
1137 (2) Master's Committee Chair

1138
1139 (3) Graduate Coordinator

- 1140
- 1141 (4) Department Chair
- 1142
- 1143 (5) Registrar
- 1144
- 1145 (6) Associate Dean
- 1146
- 1147 (7) Dean
- 1148

1149 Section 6.3

1150

1151 (a) All individuals applying for licensure who have not previously had an oral examination with the

1152 Arkansas Board must complete an oral examination prior to being granted a license. If the

1153 applicant is seeking dual licensure, he or she must complete the Board required examinations,

1154 oral, written or situational.

1155

1156 Individuals applying for a supervision specialization license must have an oral examination with the

1157 full Board.

1158

1159 (b) Oral Examination - An oral examination will be scheduled for applicants upon receipt by the

1160 Board office staff of a passing score on the written examination, their final official transcripts,

1161 reflecting degree completion, and all other application requirements completed.

1162

1163 (c) The oral examination will include a review of the applicant's Statement of Intent, questions from

1164 the Board relative to the profession of counseling/therapy, and questions about credentials submitted

1165 with the application.

1166

1167 (d) If there are unresolved questions, the Board may require an oral examination of any applicant.

1168

1169

1170 Section 6.4 SITUATIONAL EXAMINATIONS

1171

1172 (a) Situational exam - A situational demonstration of counseling or marriage and family therapy

1173 skills may be requested by the Board in the form of a video tape. A consent and release statement

1174 signed by each participant must accompany such recordings. The Board may utilize Licensed

1175 Marriage and Family Therapists or Licensed Professional Counselors, who have specialized

1176 knowledge common to the license being sought, to review and advise regarding the videotape. At

1177 least one reviewer will have specialized knowledge appropriate to the tape under review.

1178

1179 (b) The Board does not routinely require a situational examination be passed prior to the oral

1180 examination. The Board may request a situational examination be administered and passed if the

1181 applicant does not successfully complete the oral examination or if the Board has unresolved

1182 questions about the competency and/or skills of the applicant.

1183

1184 (c) The situational examination will consist of a videotaped recording of the applicant engaged in a

1185 counseling interaction with an internship client or volunteer.

1186
1187 (d) Volunteer clients to make the situational tapes may not be persons related either by blood (both
1188 lineal and collateral consanguinity) or marriage (affinity) or from other inappropriate multiple
1189 relationships with the applicant.

1190
1191 (e) When the Board requires a situational examination, a signed and witnessed consent form signed
1192 by the client, even if a volunteer, must accompany the submitted videotape.

1193
1194 (f) Evaluation of the situational examination is based on demonstration of basic counseling skills on
1195 the part of the applicant appropriate to the content, effect, and behavior of the client/volunteer. The
1196 video tape/tapes, Board member reviews and evaluation forms signed by the Board members will be
1197 retained in the applicant's file.

1198
1199
1200 Section 6.5 UNRESOLVED QUESTIONS
1201

1202 (a) Should the Board have unresolved questions of competence it may require any one or all of the
1203 following:

1204
1205 (1) Additional academic work;

1206
1207 (2) Additional supervised experience;

1208
1209 (3) Additional training;

1210
1211 (4) Additional references or recommendations;

1212
1213 (5) Clarification of Statement of Intent;

1214
1215 (6) Situational Examination, Oral Examination or both;

1216
1217 (7) Training documentation

1218
1219 (8) Other evidence deemed necessary to satisfy the Board as to the qualifications and/or
1220 fitness and competence of the applicant to practice as a counselor or marriage and family
1221 therapist.

1222
1223 Section 6.6 FEES
1224

1225 (a) Written examination fees are determined by the national testing company.

1226
1227 (b) An examination fee may be set by the Board for the processing and conducting situational
1228 examinations.

1229
1230 (c) An annual file maintenance fee, determined by the Board, will be charged when application
1231 materials are retained in an active status longer than twelve (12) months from application date.

1232
1233 (d) The schedule of fees will be reviewed annually and will be set at the lowest possible level to
1234 meet the operational expenses of the Board as appropriated by the legislature. The fees established
1235 by the Board are published on the web (www.state.ar.us/abec) and are in each application packet and
1236 each license renewal packet.
1237

1238 **VII. LICENSE RENEWAL**

1239
1240 Section 7.1 EXPIRATION

1241
1242 All licenses expire biennially on June 30 of the renewal year. Licensing dates and payment of fees
1243 will be set to conform to the State's fiscal year, July 1 through June 30.
1244

1245 Section 7.2 RENEWAL FEES

1246
1247 (a) The biennial license renewal fee is due and payable by June 30 of the renewal year. Checks
1248 should be made payable to the Arkansas Board of Examiners in Counseling. The Board will
1249 establish and determine appropriate fees and adjust according to operational expenses.
1250

1251 (b) A late fee will be assessed if the envelope containing the renewal fee is postmarked after 12:01
1252 midnight, June 30 of the renewal year.
1253

1254 (c) Failure to pay the biennial fee within the time stated shall automatically suspend the right of any
1255 licensee to practice while delinquent. {Arkansas Code Annotated §17-27-307 (2) (A)}. Such lapsed
1256 license may be renewed within a period of twelve (12) months, from the expiration date, by payment
1257 of all fees and Board requirements that are in arrears.
1258

1259 (d) Failure to renew a license within twelve (12) months from the date of expiration will necessitate
1260 applying for the license as a new applicant meeting all requirements in place the date the new
1261 application is received in the Board office. The Board may require an appearance before the Board
1262 to explain the failure to meet renewal deadlines prior to the application being processed.
1263

1264 Section 7.3 CONTINUING EDUCATION

1265
1266 (a) No license will be renewed without evidence of satisfactory completion of a minimum of twenty-
1267 four (24) clock hours of continued professional education and/or training in the twenty-four (24)
1268 months prior to renewal and evidence of same on file in the Board office. Twenty-two (22) of the
1269 twenty-four (24) clock hours must support the licensee's statement of intent. The minimum of two
1270 (2) clock hours must be in ethics relevant to the license being renewed.
1271

1272 (b) The continuing education policies for documentation and reporting for renewal purposes are
1273 adopted, as applicable, from those published by the National Board for Counselor Certification
1274 (NBCC).
1275

1276 (c) LAC's, LPC's, LAMFT's, and LMFT's are responsible for maintaining all appropriate
1277 documentation of their continuing education hours completed during the previous twenty-four (24)
1278 months should they be required for audit review.

1280 (d) 90% of license renewals are not required to submit documentation for continuing education. 10%
1281 of all renewal notices will be audited and must submit documentation.

1283 (e) If the licensee has not accumulated the required continuing education hours, the licensee may
1284 take the NCE, NCMHCE, or the AAMFT examination and meet the national pass score as a
1285 substitute for continuing education clock hours.

1287 (f) Individuals holding both the Counseling and the Marriage and Family Therapy Licenses are
1288 required to obtain twenty-four (24) clock hours of CEU credit for each license with the minimum of
1289 two (2) of the required hours being in ethics for each license. CEU credit must be applicable to each
1290 license per licensing period. The same hours may not be submitted for both licenses even if renewal
1291 year is the same; for example; if renewing both at the same time, the total of forty-eight (48) hours
1292 and four (4) clock hours of ethics will be required.

1294 (g) American Association of Christian Counselors (AACC) continuing education documentation
1295 CEU'S related to Counseling or Marriage and Family Therapy is acceptable.

1297 (h) The Arkansas Board of Examiners in Counseling does not screen programs offered by providers
1298 of continuing education. Providers are required to secure Approved Provider Status through NBCC,
1299 AAMFT, AACC, APA, etc., prior to advertising the programs as approved for license renewal
1300 purposes. With official documentation, the continuing education program hours related to
1301 counseling or therapy that are offered by Arkansas universities and Arkansas state departments will
1302 be accepted.

1304 (i) The maximum number of continuing education credit to be approved for reading/reviewing
1305 journal articles or newsletter articles read shall not exceed six (6) clock hours) in a two year renewal
1306 cycle.

1308 Section 7.4 STATEMENT OF INTENT

1310 (a) A new Statement of Intent (Scope of Practice) must be received with the renewal fee and
1311 continuing education documentation for any license to be renewed. The Statement of Intent must be
1312 typed or word-processed in the format required by the Board.

1314 (b) The approved Statement of Intent (Scope of Practice) will be in force for the valid license date.

1316 (c) Each page of the Statement of Intent (Scope of Practice) must be signed and dated.

1318 (d) The Statement of Intent (Scope of Practice) may be revised at any time the scope of practice
1319 changes. The revised Statement of Intent (Scope of Practice) must be submitted to the Board for
1320 approval.

1322 Section 7.5 RENEWAL NOTICE

1323

1324 (a) Notices of renewal will be mailed by the Secretary of the Board, on or about, April 1 of the
1325 renewal year. Accompanying these notices will be forms for the licensee to use for the
1326 documentation of continued education, statement of intent, and other related professional activities.
1327 Completion of such documentation by the licensee is mandatory prior to license renewal.

1328

1329 (b) Notices of renewal will be mailed, on or about, March 1, of the renewal year for the 10% of the
1330 renewal randomly selected for continuing education audit.

1331

1332 Section 7.6

1333

1334 Renewals from individuals who are under investigation, sanction, probation, disciplinary
1335 supervision, revocation, or rehabilitation by counseling, marriage and family therapy, psychology,
1336 social work, or other related Boards or credentialing bodies will not be considered for an Arkansas
1337 license renewal until documentation from the issuing body is received that the sanctions are removed
1338 or completed.

1339

1340 Applications from individuals who have violations of Arkansas Code Annotated § 17-27-313 and are
1341 pardoned by the Governor are not exempt from the requirements of Arkansas Code Annotated §17-
1342 27-313.

1343

1344 **VIII. DISCIPLINE**

1345

1346 Section 8.1 COMPLAINTS

1347

1348 (a) When information/complaint that may affect the licensure of an applicant is presented to the
1349 Board, the informant is required to present the information to the Board in signed, written form
1350 unless this creates eminent danger to the informant.

1351

1352 (b) The complaint is investigated following the Arkansas Administrative Procedure Act, found at
1353 Arkansas Code Annotated § 25-15-201 et seq.

1354

1355 (c) Following the investigation the Board may by majority vote:

1356

1357 (1) Close the complaint with no further action.

1358

1359 (2) Process a Consent Order and Resolution Agreement with the licensee that specifies
1360 conditions to be met and maintained. If the licensee fails to keep all conditions of the
1361 agreement, an Administrative Hearing will be held for the purpose of disciplinary action.

1362

1363 (3) Hold an Administrative Hearing for the purpose of disciplinary action.

1364

1365 Section 8.2 HEARINGS

1366

- 1367 (a) Any applicant or licensee who has been aggrieved by an action of the Board shall be
1368 entitled to judicial review under Ark. Code Ann § 25-15-201 et seq.
1369
- 1370 (b) Informal hearing procedures may be held when needed for resolution of problems instead
1371 of/or in addition to the formal Administrative Hearing.
1372
- 1373 (c) Adjudicative Hearings to revoke a license or permit or to impose a civil penalty are
1374 adjudicative hearings. An agency acts in a quasi-judicial capacity when it conducts an
1375 adjudicative hearing.
1376

1377 The Arkansas Administrative Procedure Act (APA) provides the basic framework for the conducting of
1378 adjudicative hearings. Using the APA as a framework, these rules provide detailed procedures for hearings.
1379

1380 These rules apply in all administrative adjudications conducted by the Counseling Board. These procedures
1381 are developed to provide a process by which the agency formulates orders (for example, an order to suspend
1382 or revoke a license to practice or to impose civil penalties).
1383

1384 1. PRESIDING OFFICER 1385

1386 The Board Chairman shall preside at the hearing or may designate one or more members of the Counseling
1387 Board or one or more examiners, referees, or hearing officers to preside at a hearing.
1388

1389 2. APPEARANCES 1390

- 1391 (i) Any party appearing in any agency proceeding has the right, at his or her own
1392 expense, to be represented by counsel.
- 1393 (ii) The respondent may appear on his or her behalf.
- 1394 (iii) Any attorney representing a party to an adjudicatory proceeding must file notice of
1395 appearance as soon as possible.
- 1396 (iv) Service on counsel of record is the equivalent of service on the party represented.
- 1397 (v) On written motion served on the party represented and all other parties of record, the
1398 presiding officer may grant counsel of record leave to withdraw for good cause
1399 shown.
1400

1401 3. CONSOLIDATION 1402

1403 If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be
1404 consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of
1405 the proceedings, and would not unduly prejudice the rights of a party.
1406
1407
1408

1409 4. NOTICE TO INTERESTED PARTIES 1410

1411 If it appears that the determination of the rights of parties in a proceeding will necessarily involve a
1412 determination of the substantial interests of persons who are not parties, the presiding officer may enter an

1413 order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined
1414 as a party of record.

1415
1416 5. SERVICE OF PAPERS

1417
1418 Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding,
1419 except applications for witness subpoenas and the subpoenas, shall be served on each party or the party's
1420 representative at the last address of record.

1421
1422 6. INITIATION & NOTICE OF HEARING

- 1423
1424 (i) An administrative adjudication is initiated by the issuance by the Board of a notice of
1425 hearing.
1426 (ii) The notice of hearing will be sent to the respondent by U.S. Mail, return receipt
1427 requested, delivery restricted to the named recipient or his agent. Notice shall be
1428 sufficient when it is so mailed to the respondent's latest address on file with the
1429 agency.
1430 (iii) Notice will be mailed at least twenty one (21) days before the scheduled hearing
1431 unless an emergency is declared.
1432 (iv) The notice will include:

1433
1434 A statement of the time, place, and nature of the hearing;

1435
1436 A statement of the legal authority and jurisdiction under which the hearing is to be
1437 held; and

1438
1439 A short and plain statement of the matters of fact and law asserted.
1440

1441 7. MOTIONS

1442
1443 All requests for relief will be made by motion. Motions must be in writing or made on the record during a
1444 hearing. A motion must fully state the action requested and the grounds relied upon. The original written
1445 motion will be filed with the agency. When time allows, the other parties may, within seven (7) days of the
1446 service of the written motion, file a response in opposition. The presiding officer may conduct such
1447 proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However,
1448 a presiding officer, other than the Counseling Board, will not enter a dispositive order unless expressly
1449 authorized in writing to do so.

1450
1451 8. ANSWER

1452
1453 A respondent may file an answer no later than ten (10) days before the scheduled hearing.
1454

1455 9. DISCOVERY

- 1456
1457 (i) Upon written request, the agency will provide the information designated in A.C.A. § 25-15-
1458 208 (a) (3).

- 1459 (ii) Such requests should be received by the agency at least ten (10) days before the scheduled
1460 hearing.
1461

1462 10. CONTINUANCES
1463

1464 The Board Chairman may grant a continuance of hearing for good cause shown. Requests for continuances
1465 will be made in writing. The request must state the grounds to be considered and be made as soon as
1466 practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the
1467 hearing. In determining whether to grant a continuance, the Board Chairman may consider:

- 1468
1469 (i) Prior continuances;
1470 (ii) The interests of all parties;
1471 (iii) The likelihood of informal settlements;
1472 (iv) The existence of an emergency;
1473 (v) Any objection;
1474 (vi) Any applicable time requirement;
1475 (vii) The existence of a conflict of the schedules of counsel, parties, or witnesses;
1476 (viii) The time limits of the request, and;
1477 (ix) Other relevant factors.
1478

1479 The Board Chairman may require documentation of any grounds for continuance.
1480

1481 11. HEARING PROCEDURES
1482

- 1483 (i) The presiding officer presides at the hearing and may rule on motions, require briefs,
1484 and issue such orders as will ensure the orderly conduct of the proceedings; provided,
1485 however, any presiding officer other than the Counseling Board shall not enter a
1486 dispositive order or proposed decision unless expressly authorized in writing to do so.
1487 (ii) All objections must be made in a timely manner and stated on the record.
1488 (iii) Parties have the right to participate or to be represented by counsel in all hearings or
1489 pre-hearing conferences related to their case.
1490 (iv) Subject to terms and conditions prescribed by the Administrative Procedure Act,
1491 parties have the right to introduce evidence on issues of material fact, cross-examine
1492 witnesses as necessary for a full and true disclosure of the facts, present evidence in
1493 rebuttal, and, upon request by the agency, may submit briefs and engage in oral
1494 argument.
1495 (v) The presiding officer is charged, with maintaining the decorum of the hearing and
1496 may refuse to admit, or may expel, anyone whose conduct is disorderly.
1497

1498 12. ORDER OF PROCEEDINGS
1499

1500 The presiding officer will conduct the hearing in the following manner:

- 1501 (vi) The presiding officer will give an opening statement, briefly describing the nature of
1502 the proceedings.
1503 (vii) The parties are to be given the opportunity to present opening statements.

- 1504 (viii) The parties will be allowed to present their cases in the sequence determined by the
- 1505 presiding officer.
- 1506 (ix) Each witness must be sworn or affirmed by the presiding officer, or the court reporter,
- 1507 and be subject to examination and cross-examination as well as questioning by the
- 1508 Counseling Board. The presiding officer may limit questioning in a manner consistent
- 1509 with the law.
- 1510 (x) When all parties and witnesses have been heard, parties may be given the opportunity
- 1511 to present final arguments.
- 1512

1513 13. EVIDENCE

- 1514
- 1515 (i) The presiding officer shall rule on the admissibility of evidence and may, when
- 1516 appropriate, take official notice of facts in accordance with all applicable
- 1517 requirements of law.
- 1518 (ii) Stipulation of facts is encouraged. The agency may make a decision based on
- 1519 stipulated facts.
- 1520 (iii) Evidence in the proceeding must be confined to the issues set forth in the hearing
- 1521 notice, unless the parties waive their right to such notice or the presiding officer
- 1522 determines that good cause justifies expansion of the issues. If the presiding officer
- 1523 decides to admit evidence outside the scope of the notice, over the objection of a
- 1524 party who did not have actual notice of those issues, that party, upon timely request,
- 1525 will receive a continuance sufficient to prepare for the additional issue and to permit
- 1526 amendment of pleadings.
- 1527 (iv) A party seeking admission of an exhibit must provide twelve (12) copies of each
- 1528 exhibit at the hearing. The presiding officer must provide the opposing parties with an
- 1529 opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits
- 1530 admitted into evidence must be appropriately marked and be made part of the record.
- 1531 (v) Any party may object to specific evidence or any request limits on the scope of the
- 1532 examination or cross-examination. A brief statement of the grounds upon which it is
- 1533 based shall accompany such an objection. The objection, the ruling on the objection,
- 1534 and the reasons for the ruling will be noted in the record. The presiding officer may
- 1535 rule on the objection at the time it is made or may reserve the ruling until written
- 1536 decision.
- 1537 (vi) Whenever evidence is ruled inadmissible, the party offering that evidence may submit
- 1538 an offer of proof on the record. The party making the offer of proof for excluded oral
- 1539 testimony will briefly summarize the testimony or, with permission of the presiding
- 1540 officer, present the testimony. If the excluded evidence consists of a document or
- 1541 exhibit, it shall be marked as part of an offer of proof and inserted in the record.
- 1542 (vii) Irrelevant, immaterial, and unduly repetitive evidence will be excluded. Any other
- 1543 oral or documentary evidence, not privileged, may be received if it is of a type
- 1544 commonly relied upon by reasonably prudent men and women in the conduct of their
- 1545 affairs,
- 1546 (viii) Reasonable inferences. The finder of fact may base its findings of fact upon
- 1547 reasonable inferences derived from other evidence received.
- 1548
- 1549

14. DEFAULT

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If a party fails to appear or participate in an administrative adjudication after proper service of notice, the agency may proceed with the hearing and render a decision in the absence of the party.

15. SUBPOENAS

- (i) At the request of any party, the agency shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.
- (ii) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause, the agency may authorize the subpoena to be served less than two days before the hearing.
- (iii) Any motion to quash or limit the subpoena shall be filed with the agency and shall state the grounds relied upon.

16. RECORDING THE PROCEEDINGS

The responsibility to record the testimony heard at a hearing is borne by the agency. Upon the filing of a petition for judicial review, the agency will provide a verbatim transcript of testimony taken before the agency. If requested under FOI, copies of the transcript will be provided at a cost per page.

17. FACTORS TO BE CONSIDERED IN IMPOSING SANCTIONS

In addition to any other considerations permitted by Arkansas Code Annotated § 17-27-101 et seq. if applicable, the agency in imposing any sanction may consider the following:

- (i) The nature and degree of the misconduct for which the licensee is being sanctioned.
- (ii) The seriousness and circumstances surrounding this misconduct.
- (iii) The loss or damage to clients or others.
- (iv) The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found.
- (v) The profit to the licensee.
- (vi) The avoidance of repetition.
- (vii) Whether the conduct was deliberate, intentional, or negligent.
- (viii) The deterrent effect on others.
- (ix) The conduct of the individual during the course of the disciplinary proceeding.
- (x) The professional's prior disciplinary record, including warnings.
- (xi) Matters offered by the professional in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates that he or she is successfully pursuing in good faith a program of recovery.

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18. FINAL ORDER

The agency will serve on the respondent a written order that reflects the action taken by the agency. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state conclusion of law and directives or other disposition entered against or in favor of the respondent.

SECTION 8.3 SUSPENSION, REVOCATION, DENIAL OF LICENSE ISSUE, DENIAL OF RENEWAL, DENIAL OF APPLICATION FOR PROCESSING

- (a) In accordance with the Arkansas Code Annotated §17-26-309 and § 25-15-201 et seq. (Arkansas Administration Procedure Act), the Board will suspend, revoke, or deny renewal of any license if the Board finds that holder thereof:
 - (1) Has been found guilty of violating any ethical or professional standard under which the license holder practices.
 - (2) Has not paid biennial renewal fee within the time stated.
 - (3) Has not satisfied the Board, by June 30 of the renewal year, with evidence of the completion of relevant professional or continued education experience.
 - (4) Has been found to be incompetent, has misused the license, or has been negligent in the rendering of counseling services.
 - (5) Has been convicted of a felony.
 - (6) Has failed to follow any special directions of the Board.
 - (7) Has had one’s professional license/certificate revoked suspended, or under investigation by any other Arkansas Board or certifying/licensing agency or by any state Board of certifying/licensing agency.
 - (8) Has failed to meet requirements of the Criminal Background Check. (Act 1317 of 1997).
 - (9) Renewals from individuals who are under investigation, sanction, probation, disciplinary supervision, revocation, or rehabilitation by counseling, psychology, social work, or other related Boards or credentialing bodies will not be considered for an Arkansas license renewal until documentation from the issuing body is received that the sanctions are removed, or completed.

ALTERNATIVE SANCTIONS

1640 (10) In addition, the Board may after a hearing, impose upon a person over whom the Board
1641 has jurisdiction the Alternative Sanctions provided by ACA 25-15-217 which include a civil
1642 penalty not to exceed \$500.00 per violation.

1643
1644 (11) Applications from individuals who have violations of Arkansas Code Annotated
1645 § 17-27- 313 and are pardoned by the Governor are not exempt from the requirements of
1646 Arkansas Code Annotated § 17-27-313.

1647
1648 If the Board finds that it has erred in the granting of a license, the Board will give written notice by certified
1649 or signature confirmation mail of intent to annul the license. The notice will allow the applicant the
1650 opportunity to meet the requirements of licensure within 30 days.

1651
1652 (b) A period of suspension shall not exceed six (6) months. During the period of suspension, the licensee
1653 shall not practice counseling/therapy in the state of Arkansas, may petition for court proceedings to
1654 prohibit the unlawful practice of counseling/therapy and/or false representation as a licensed counselor
1655 or marriage and family therapist.

1656
1657 (c) The Board, or any member thereof, or any citizen of the state of Arkansas, may petition for court
1658 proceedings to prohibit the unlawful practice of counseling or marriage and family/therapy and/or false
1659 representation as a licensed counselor or marriage and family therapist.

1660
1661 (d) REQUIREMENT TO KEEP CURRENT ADDRESSES ON FILE

1662
1663 All persons holding a license issued by this Board are required to provide the Board with
1664 information so that the Board can remain in contact and provide notice of complaints and/or
1665 hearings. The licensee holder is required to provide written notice to the Board of any change in
1666 business and/or residence within ten (10) working days of the change. Service of notices of hearing
1667 sent by mail will be addressed to the latest address on file with the Board.

1668
1669 (e) The application and supporting documentation will be reviewed by Board staff. The Board
1670 administrative office will inform the applicant in writing if it determines that the application is
1671 incomplete and will specify why the application is incomplete. When a completed application, a
1672 supplemental application, or the requested information is returned, the Board office will reinstate action
1673 on the application for license. If all requirements are met, the applicant will be scheduled for the oral
1674 examination.

1675
1676 (f) DENIAL OF LICENSE

1677
1678 1. If a preliminary determination is made that the application should be denied, the agency will
1679 inform the applicant of the opportunity for a hearing on the application.

1680
1681 2. The grounds or basis for the proposed denial of a license will be set forth in writing by the agency.
1682 Any hearing on the denial of a license will be conducted in accordance with ACA § 25-15-208 and
1683 ACA § 25-15-213, and unless otherwise provided by law, the applicant has the burden of
1684 establishing entitlement to the license.

1685

1686 (g) SUSPENSION, REVOCATION, ANNULMENT OR WITHDRAWAL
1687

1688 1. Prior to the entry of a final order to suspend, revoke, annul or withdraw a license, or to impose
1689 other sanctions upon a licensee, the agency will serve the licensee a notice of hearing in the manner
1690 set out in Arkansas Code Annotated § 25-15-208 and Rule VII (G).
1691

1692 2. The agency has the burden of proving the alleged facts and violations of law stated in the notice
1693

1694 (h) EMERGENCY ACTION
1695

1696 1. If the agency finds that the public health, safety, or welfare imperatively requires emergency
1697 action and incorporates that finding in its order, the agency can summarily suspend, limit, or restrict
1698 a license. The notice requirement in h (1) does not apply and must not be construed to prevent a
1699 hearing at the earliest time practicable.
1700

1701 2. Emergency Order: An emergency adjudicative order must contain findings that the public health,
1702 safety, and welfare imperatively require emergency action to be taken by the agency. The written
1703 order must include notification of the Written Notice. The written emergency adjudicative order will
1704 be immediately delivered to persons who are required to comply with the order. One or more of the
1705 following procedures will be used:
1706

- 1707 (i) Personal Delivery;
- 1708 (ii) Certified mail, return receipt requested, to the last address on file with the agency;
- 1709 (iii) First class mail to the last address on file with the agency;
- 1710 (iv) Fax notice may be used as the sole method of delivery if the person required to
1711 comply with the order has filed a written request that the Board orders be sent by fax
1712 and has provided a fax number for that purpose;
- 1713 (v) Oral notice. Unless the written emergency order is served by personal delivery on the
1714 same day that the order issues, the Board shall make reasonable immediate efforts to
1715 contact by telephone the persons who are required to comply with the order.
1716

- 1717 1. Unless otherwise provided by law, within ten (10) days after emergency action
1718 taken pursuant to paragraph 8.2 (4) of this rule, the agency must initiate a formal
1719 suspension or revocation proceeding.
1720

1721 (i) VOLUNTARY SUSPENSION OF LICENSE
1722

1723 The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject
1724 to the agency's determination to accept the proffered surrender, rather than conducting a formal
1725 disciplinary proceeding.
1726

1727 (j) DUTY OF A SANCTIONED PROFESSIONAL
1728

1729 In every case in which a professional's license is revoked, suspended, or revocation, suspension, or
1730 surrender, do the following:
1731

- 1732 (1) Return his or her license and any license pocket cards to the agency's office;
- 1733 (2) Notify all of his or her clients in writing that his or her license has been revoked, suspended,
- 1734 or surrendered;
- 1735 (3) Notify all clients to make arrangements for other professional services, calling attention to
- 1736 any urgency in seeking the substitution of another licensed professional;
- 1737 (4) Deliver to all clients any papers or property to which they are entitled, or notify the client of
- 1738 a suitable time and place where the papers and other property may be obtained, calling
- 1739 attention to any urgency for obtaining the papers or other property;
- 1740 (5) Refund any part of the fees paid in advance that have not been earned;
- 1741 (6) Keep and maintain a record of the steps necessary to accomplish the foregoing;
- 1742 (7) File with the agency a list of all other state, federal, and administrative jurisdictions by which
- 1743 he or she is licensed. Upon such filing, the agency will notify those entitled of the revocation,
- 1744 suspension, or surrender; and
- 1745 (8) The professional shall, within thirty (30) days of revocation, suspension, or surrender of the
- 1746 license, file an affidavit with the agency that he or she has fully complied with the provisions
- 1747 of the order and completely performed the foregoing or provide a full explanation of the
- 1748 reasons for his or her non-compliance. Such affidavit shall also set forth the address where
- 1749 communications may thereafter be directed to the respondent.
- 1750

1751 (l) REINSTATEMENT AFTER SUSPENSION

- 1752
- 1753 1. An order suspending a license may provide that a person desiring reinstatement may file with the
- 1754 Counseling Board a verified petition requesting reinstatement.
- 1755
- 1756 2. The petition for reinstatement must set out the following:
- 1757
- 1758 (i) That the individual has fully and promptly complied with the requirements of
- 1759 section VIII (K) of these rules pertaining to the duty of a sanctioned
- 1760 professional;
- 1761 (ii) That the individual has refrained from practicing in this profession during the
- 1762 period of suspension;
- 1763 (iii) That the individual's license fee is current or has been tendered to the agency;
- 1764 (iv) That the individual has fully complied with any requirements imposed as
- 1765 conditions for reinstatement.
- 1766 (v) Any knowing misstatement of fact may constitute grounds for denial or
- 1767 revocation of reinstatement.
- 1768 1. Failure to comply with the provisions of Section 8.3 (K7 & K8) of the Rule
- 1769 precludes consideration for reinstatement.
- 1770 2. No individual will be reinstated unless the Board of Examiners in Counseling
- 1771 approves reinstatement by majority vote.
- 1772

1773 (m) RE-LICENSURE FOR REVOKED OR SURRENDERED LICENSE

- 1774
- 1775 1. No individual who has had his or her license revoked or who has surrendered his or her
- 1776 license will be licensed, except on petition made to the agency. The application for re-

- 1777 licensure is not allowed until at least five years after the revocation or surrender of license
- 1778 took effect.
- 1779 2. The applicant bears the burden of proof that he is rehabilitated following the revocation or
- 1780 surrender of his license, that he can engage in the conduct authorized by the license without
- 1781 undue risk to the public health, safety, and welfare, and that he is otherwise qualified for the
- 1782 license pursuant to Arkansas Code Annotated § 17-27-101 et seq and Rules in effect the date
- 1783 the application for re-licensure is received.
- 1784 3. The agency may impose any appropriate conditions or limitations on a license to protect the
- 1785 public health, safety, and welfare.
- 1786 4. The agency may require that the person seeking re-licensure take licensing examination.
- 1787 5. The agency may require that the person seeking re-licensure have supervision for a specified
- 1788 time and ratio.

1790 Section 8.4 UNAUTHORIZED COUNSELING

1791

1792 (a) When the Board is made aware of a violation, or possible violation, of Ark. Code Ann. § 17-27-

1793 101 et seq., a certified or registered letter with return receipt, showing delivery to addressee only,

1794 shall be mailed to the last known address of the person in question. The letter will direct attention to

1795 pertinent aspects of the law and the rules and regulations of the law.

1796

1797 (b) If (a) does not induce said person to cease violation and to desist from practicing, holding

1798 himself/herself out to practice, and/or from practicing, and/or use of title or activities, in violation,

1799 the information shall be forwarded to the appropriate law enforcement authorities.

1800

1801 (c) This violation will be deemed a Class “A” Misdemeanor. The violator, upon conviction, shall be

1802 punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars

1803 (\$1,000) and the violator may be imprisoned for a term not exceeding one (1) year. Each violation

1804 and conviction shall be deemed a separate offense.

1805

1806 (d) Adjudicative Hearings will be conducted following the Arkansas Administrative Procedure Act

1807 (APA) framework. The Adjudicative Hearings format will follow Rules beginning Section 8.2

1808

1809 **IX. LICENSING UNDER SPECIAL CONDITIONS**

1810

1811 Section 9.1 RECIPROCITY

1812

1813 No reciprocity agreement exists between other states or other Arkansas agencies.

1814 Applicants from other states or Arkansas agencies must apply and complete the formal application process

1815 prior to license issue. The following apply to the process:

1816

1817 (a) An applicant who has been licensed as a counselor or mental health professional in other

1818 state/states or by other Arkansas agencies must submit a License Verification Form (LVF) from each

1819 state or agency prior to the oral examination.

1820

1821 (b) Wavier of the NCE, NCMHCE, or the AMFTRB may be granted when the Board has determined
1822 that another examination is equivalent or an endorsement agreement has been reached with the other
1823 boards or agencies responsible for licensing Counselors/Therapists.

1824
1825 (c) Applicants moving from another state, who hold their licenses from that state under
1826 grandfathering, and were not previously tested for licensure, will be required to satisfactorily
1827 complete the National Clinical Mental Health Counseling Self-Assessment Examination
1828 (NCMHCE) or the National Counseling Examination (NCE).

1829
1830 (d) If requirements for full license (LPC or LMFT) in another state required 2000 Client Contact
1831 Hours (CCH), the applicant will need to document an additional 1000 CCH of supervision or the
1832 application will be processed for LAC or LAMFT. The 2000 CCH from another state will be applied
1833 first to year three, then year two. The 1000 CCH to be earned in Arkansas must be year one with
1834 100 clock hours of supervision provided at the ratio of one (1) hour of supervision for each ten (10)
1835 hours of client contact. If the applicant has been continuously licensed in another state for seven
1836 years, is in good standing in that state and has passed the NCMHCE within five years prior to the
1837 Arkansas application, the NCMHCE may substitute for 500 CCH hours of required supervision.

1838
1839 (e) Acceptability of supervision, gained prior to application, under other Licensing Boards or in
1840 exempt positions, will be judged according to:

1841
1842 (1) The ethical and professional standards of the Association for Counselor Education and
1843 Supervision or the Commission on Accreditation of Marriage and Family Therapy Education, the
1844 American Association for Pastoral Counselors, Council for Accreditation of Counseling and
1845 Related Educational Programs, National Board for Certifying Counselors, Commission on
1846 Rehabilitation Counselor Certification.

1847
1848 (2) The appropriateness of the supervisory relationship.

1849
1850 (3) The direct counseling hours performed while under supervision will be credited at the ratio
1851 specified by the Board and must consist of direct, face-to-face supervision in either individual
1852 and/or group format. Technology-Assisted Distance Supervision may be reported if the
1853 Supervisor holds the Specialization License. Technology- Assisted Distance Supervision may
1854 not exceed fifty percent in any one phase.

1855
1856 (4) Indirect service hours performed while under supervision may not exceed 200 Client Contact
1857 Hours (CCH) in Phase I, 300 CCH in Phase II, and 300 CCH in Phase III.

1858
1859 (5) Graduate school practicum or internship hours acquired in the Master's program are not
1860 credited to substitute for the required supervised professional work. Post Master's hours in
1861 practicum/internships not needed for the initial application for the Arkansas license may be
1862 applied as transcript credit to Phase III or Phase II (3 transcript semester hours equate 100 CCH).

1863
1864 (6) Hours spent conducting Psycho Educational groups (whether inpatient/outpatient or at other
1865 locations) may not be credited as Counseling or Marriage and Family Therapy to reduce the
1866 required direct or indirect post master's supervised work.

1867
1868 (f) Acceptable Post-Master's Supervision may include:
1869

1870 (1) A recognized post-master's internship training program
1871

1872 (2) Supervised CCH approved by another state's counseling Licensure Board or Marriage and
1873 Family Therapy Board
1874

1875 (3) Supervision approved by NBCC, AAMFT, CRCC or AAPC
1876

1877 (4) Supervised Counseling or Marriage and Family Therapy hours accrued during employment
1878 in private practice or in an agency or institution that meet Board adopted supervision
1879 criteria.
1880

1881 Section 9.2 CONSULTING
1882

1883 (a) Non-resident persons who are licensed by Counseling or Marriage and Family Therapy
1884 regulatory boards in other states or countries may provide consulting or research services within
1885 Arkansas for not more than thirty (30) days (discontinuous or continuous) per calendar year.
1886

1887 (b) Consultant is defined as a licensed LPC/LMFT who has practiced as a professional for a
1888 minimum of three (3) years in another state and contracts with an Arkansas agency or institution for
1889 research, workshops, training, or for providing advice and guidance on professional issues.
1890

1891 (c) Consultant activities and services must be short-term and contractual and must be sponsored and
1892 supervised by a licensed Arkansas LPC or LMFT.
1893

1894 (c) Prospective employees, moving to Arkansas from another state, who are applying for an Arkansas
1895 license are not to be considered consultants and are not exempt from licensure.
1896

1897 (e) Licensed Counselors or Marriage and Family Therapist who consult with other licensed
1898 professionals and/or develop relationships with Colleagues, Employers and Employees must follow
1899 the ACA Code Section D1.a through D.2.d.
1900

1901 Section 9.3 OTHER PROFESSIONALS AND AGENCIES
1902

1903 (a) Neither the National Counselor Examination nor the Association of Marital and Family Therapy
1904 Regulatory Board Examination will be waived for licensed Psychologists who apply for a license
1905 from the Counseling Board.
1906

1907 (b) Licensed Psychological Examiners (LPE) who apply for a counseling or a marriage and family
1908 therapy license must complete the supervision requirements in Phase I (1000 Client Contact Hours at
1909 the ratio of one (1) hour of supervision for each ten (10) hours of direct client contact). The
1910 maximum of two (2) years of supervised professional experience may be submitted for approval by
1911 the Board if the applicant documents supervised experience consistent with his/her Statement of
1912 Intent by submitting:

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(1) Documentation from the Arkansas Board of Examiners in Psychology (ABEP)

(2) Statement from the ABEP or LPE supervisor verifying the ratio of supervision to CCH and that the scope of the practice supervised was not related to assessment, appraisal, or testing as part of their practice

(c) Any person holding a license from the Arkansas Board of Examiners in Psychology (ABEP) will not be approved for any appraisal, assessment, or testing under any license issued by this Board. All appraisal activities will be regulated by the ABEP for any persons licensed by both the Board of Examiners in Counseling and Board of Examiners in Psychology.

(d)(1) Clergy who are credentialed as member, fellow, or diplomat by the American Association of Pastoral Counselors (AAPC), Association for Clinical Pastoral Education (ACPE) or other Board-approved credentialing organizations will be accepted as meeting the Board definition of equivalent training for Licensed Associate or Professional Counselor or Marriage and Family Therapist

(2) Upon completion of the application process, providing a passing score on one of the written examinations (National Counseling Examination, Marriage and Family Therapy Examination, Pastoral Counselor Examination or equivalent), passing the situational and oral exams, clergy applicants with appropriate documented experience will be granted the Licensed Counselor or Marriage and Family Therapist license with the specialty license as pastoral counselor or pastoral marriage and family therapist.

(e) Applicants for the Licensed Professional Counselor license who hold a master's degree and who are credentialed as CRC by the Commission on Rehabilitation Counselor Certification (CRCC) standards adopted by CRCC July 1, 2003 will be accepted as meeting the Board definition of equivalent/parallel training for licensed Associate or Professional Counselor or Marriage and Family Therapist provided the core curriculum courses are included in the degree or in post-master's course work. The Certified Rehabilitation Counselor Examination (CRC Examination) has not been determined equivalent to the National Counseling Examination (NCE) and will not be substituted for the NCE for the LPC license. The CRC Examination will be accepted for the Rehabilitation Counselor Specialization License.

(f) If a candidate is licensed or certified to practice Counseling and/or Marriage and Family Therapy by a similar Board in another state, the Arkansas Board may at its discretion, waive the written examination requirements of a candidate if the candidate had an equivalent written examination in the process of obtaining the license in another state and has been continuously licensed. If the previous license has expired or lapsed the examination may not be waived. If the applicant had written the examination, but did not complete the licensure process, the written examination of record may not be more than five (5) years old to be accepted for Arkansas license application purposes.

(g) Persons who apply for an Arkansas license, have been continuously licensed seven years in another state and in good standing but lack no more than nine hours of the required graduate course

work may have a one time license issued with the provision that the graduate course requirements must be met prior to the first license renewal.

(h) Documents relevant to an application from a person licensed in another state will be accepted as official if sent directly from the state licensing board, from NBCC, or from the American Association of State Counseling Boards National Credential Registry.

X. Ethics

Section 11.1 PROFESSIONAL ETHICS

(a) The Arkansas Board of Examiners in Counseling (ARBOEC) adopts the 2005 revision of the American Counseling Association (ACA) Code of Ethics, to comply with Arkansas Code Annotated 17-27-203 (c). Effective 10 days following the Legislative Council approval date of these Rules.

(b) The American Association of Marriage and Family Therapist (AAMFT) Ethical Code, 2001, is adopted for all persons holding a Licensed Associate Marriage and Family Therapist (LAMFT) or the Licensed Marriage and Family Therapist (LMFT) license.

(c) Licensees holding multiple licenses must adhere to the codes of ethics of all professional certificates/licenses held and to the more stringent of the codes of ethics where there may be any appearance of conflict between codes.

(d) The Anti-Fraud and Code of Ethics Policy dated September 10, 2005 is adopted to comply with the Department of Finance and Administration to meet Auditing Standards #90 as issued by the auditing Standards Board of the American Institute of Certified Public Accountants.

XI. COUNSELOR/PSYCHOTHERAPIST AND MARRIAGE AND FAMILY THERAPIST – CLIENT COMMUNICATIONS AND MEDICAL RECORDS

The client of persons licensed by this Board has a privilege to refuse to disclose and to prevent any other person from disclosing his medical records or confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional condition, including alcohol or drug addiction, among himself, the licensee, and persons who are participating in the diagnosis or treatment under the direction of the licensee, including members of the client’s family. See Rules 501, 502 and 503, Arkansas Rules of Evidence. The licensee is presumed to have authority to claim the privilege on behalf of the patient. The privilege is subject to the exceptions listed in Rule 503(d). The following communications are not protected by the privilege:

- 1997 a. Communications relevant to an issue in proceedings to hospitalize the client are not
1998 privileged.
- 1999 b. Communications made in the course of a court ordered examination of the client are not
2000 privileged unless the court orders other wise.
- 2001 c. Medical records or communications relevant to an issue of the physical, mental, or
2002 emotional condition of the patient in any proceeding in which he or she relies upon the
2003 condition as an element of his or her claim or defense, or, after the patient's death, in any
2004 proceeding in which any party relies upon the condition as an element of his or her claim
2005 or defense.
- 2006 d. The licensee may be required to furnish medical records, and communications in the
2007 context of formal discovery procedures.

2008
2009 **XII. THE PRACTICE OF INTERNET OR TELEPHONE SERVICES**

2010
2011 The Board adopts the National Board for Certified Counselors (NBCC) document titled The Practice of
2012 Internet Counseling, published in 2005. The NBCC document is adopted as part of Arkansas Rules to
2013 further extend and clarify Technology-Assisted Distance Counseling Ethics, Definitions and Standards for
2014 Counselors and Marriage and Family Therapist licensed in the state of Arkansas. The adoption of the
2015 document is to support and extend the American Counseling Code of Ethics, 2005 edition for the practice of
2016 Internet Counseling.
2017

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THE PRACTICE OF INTERNET COUNSELING

This document contains a statement of principles for guiding the evolving practice of Internet counseling. In order to provide a context for these principles, the following definition of Internet counseling, which is one element of technology-assisted distance counseling, is provided. The Internet counseling standards follow the definitions presented below.

A Taxonomy for Defining Face-To-Face and Technology-Assisted Distance Counseling

The delivery of technology-assisted distance counseling continues to grow and evolve. Technology assistance in the form of computer-assisted assessment, computer-assisted information systems, and telephone counseling

has been available and widely used for some time. The rapid development and use of the Internet to deliver information and foster communication has resulted in the creation of new forms of counseling. Developments have occurred so rapidly that it is difficult to communicate a common understanding of these new forms of counseling practice.

The purpose of this document is to create standard definitions of technology-assisted distance counseling that can be easily updated in response to evolutions in technology and practice. A definition of traditional face-to-face counseling is also presented to show similarities and differences with respect to various applications of technology in counseling. A taxonomy of forms of counseling is also presented to further clarify how technology relates to counseling practice.

Nature of Counseling

Counseling is the application of mental health, psychological, or human development principles, through cognitive, affective, behavioral or systemic intervention strategies, that address wellness, personal growth, or career development, as well as pathology.

Depending on the needs of the client and the availability of services, counseling may range from a few brief interactions in a short period of time, to numerous interactions over an extended period of time. Brief interventions, such as classroom discussions, workshop presentations, or assistance in using assessment, information, or instructional resources, may be sufficient to meet individual needs. Or, these brief interventions may lead to longer-term counseling interventions for individuals with more substantial needs. Counseling may be delivered by a single counselor, two counselors working collaboratively, or a single counselor with brief assistance from another counselor who has specialized expertise that is needed by the client.

Forms of Counseling

Counseling can be delivered in a variety of forms that share the definition presented above. Forms of counseling differ with respect to participants, delivery location, communication medium, and interaction process. Counseling *participants* can be **individuals, couples, or groups**. The *location* for counseling delivery can be **face-to-face or at a distance** with the assistance of technology. The *communication medium* for counseling can be what is **read** from text, what is **heard** from audio, or what is **seen** and heard in person or from video. The *interaction process* for counseling can be **synchronous or asynchronous**. Synchronous interaction occurs with little or no gap in time between the responses of the counselor and the client. Asynchronous interaction occurs with a gap in time between the responses of the counselor and the client.

The selection of a specific form of counseling is based on the needs and preferences of the client within the range of services available. Distance counseling supplements face-to-face counseling by providing increased access to counseling on the basis of **necessity or convenience**. Barriers, such as being a long distance from counseling services, geographic separation of a couple, or limited physical mobility as a result of having a disability, can make it **necessary** to provide counseling at a distance. Options, such as scheduling counseling sessions outside of traditional service delivery hours or delivering counseling services at a place of residence or employment, can make it more **convenient** to provide counseling at a distance.

A Taxonomy of Forms of Counseling Practice. Table 1 presents a taxonomy of currently available forms of counseling practice. This schema is intended to show the relationships among counseling forms.

Table 1

A Taxonomy of Face-To-Face and Technology-Assisted Distance Counseling

Counseling

- Face-To-Face Counseling
 - Individual Counseling
 - Couple Counseling
 - Group Counseling
- Technology-Assisted Distance Counseling
 - Telecounseling
 - Telephone-Based Individual Counseling
 - Telephone-Based Couple Counseling
 - Telephone-Based Group Counseling
 - Internet Counseling
 - E-Mail-Based Individual Counseling
 - Chat-Based Individual Counseling
 - Chat-Based Couple Counseling
 - Chat-Based Group Counseling
 - Video-Based Individual Counseling
 - Video-Based Couple Counseling
 - Video-Based Group Counseling

Definitions

Counseling is the application of mental health, psychological, or human development principles, through cognitive, affective, behavioral or systemic intervention strategies, that address wellness, personal growth, or career development, as well as pathology.

Face-to-face counseling for individuals, couples, and groups involves synchronous interaction between and among counselors and clients using what is seen and heard in person to communicate.

Technology-assisted distance counseling for individuals, couples, and groups involves the use of the telephone or the computer to enable counselors and clients to communicate at a distance when circumstances make this approach necessary or convenient.

Telecounseling involves synchronous distance interaction among counselors and clients using one-to-one or conferencing features of the telephone to communicate.

Telephone-based individual counseling involves synchronous distance interaction between a counselor and a client using what is heard via audio to communicate.

Telephone-based couple counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is heard via audio to communicate.

Telephone-based group counseling involves synchronous distance interaction among counselors and clients using what is heard via audio to communicate.

Internet counseling involves asynchronous and synchronous distance interaction among counselors and clients using e-mail, chat, and videoconferencing features of the Internet to communicate.

E-mail-based individual Internet counseling involves asynchronous distance interaction between counselor and client using what is read via text to communicate.

Chat-based individual Internet counseling involves synchronous distance interaction between counselor and client using what is read via text to communicate.

Chat-based couple Internet counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is read via text to communicate.

Chat-based group Internet counseling involves synchronous distance interaction among counselors and clients using what is read via text to communicate.

Video-based individual Internet counseling involves synchronous distance interaction between counselor and client using what is seen and heard via video to communicate.

Video-based couple Internet counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is seen and heard via video to communicate.

Video-based group Internet counseling involves synchronous distance interaction among counselors and clients using what is seen and heard via video to communicate.

Standards for the Ethical Practice of Internet Counseling

These standards govern the practice of Internet counseling and are intended for use by counselors, clients, the public, counselor educators, and organizations that examine and deliver Internet counseling. These standards are intended to address practices that are unique to Internet counseling and Internet counselors and do not duplicate principles found in traditional codes of ethics.

These Internet counseling standards of practice are based upon the principles of ethical practice embodied in the NBCC Code of Ethics. Therefore, these standards should be used in conjunction with the most recent version of the NBCC ethical code. Related content in the NBCC Code are indicated in parentheses after each standard.

Recognizing that significant new technology emerges continuously, these standards should be reviewed frequently. It is also recognized that Internet counseling ethics cases should be reviewed in light of delivery systems existing at the moment rather than at the time the standards were adopted.

Internet Counseling Relationship

1. In situations where it is difficult to verify the identity of the Internet client, steps are taken to address impostor concerns, such as by using code words or numbers.
2. Internet counselors determine if a client is a minor and therefore in need of parental/guardian

consent. When parent/guardian consent is required to provide Internet counseling to minors, the identity of the consenting person is verified.

3. As part of the counseling orientation process, the Internet counselor explains to clients the procedures for contacting the Internet counselor when he or she is off-line and, in the case of asynchronous counseling, how often e-mail messages will be checked by the Internet counselor.
4. As part of the counseling orientation process, the Internet counselor explains to clients the possibility of technology failure and discusses alternative modes of communication, if that failure occurs.
5. As part of the counseling orientation process, the Internet counselor explains to clients how to cope with potential misunderstandings when visual cues do not exist.
6. As a part of the counseling orientation process, the Internet counselor collaborates with the Internet client to identify an appropriately trained professional who can provide local assistance, including crisis intervention, if needed. The Internet counselor and Internet client should also collaborate to determine the local crisis hotline telephone number and the local emergency telephone number.
7. The Internet counselor has an obligation, when appropriate, to make clients aware of free public access points to the Internet within the community for accessing Internet counseling or Web-based assessment, information, and instructional resources.
8. Within the limits of readily available technology, Internet counselors have an obligation to make their Web site a barrier-free environment to clients with disabilities.
9. Internet counselors are aware that some clients may communicate in different languages, live in different time zones, and have unique cultural perspectives. Internet counselors are also aware that local conditions and events may impact the client.

Confidentiality in Internet Counseling

10. The Internet counselor informs Internet clients of encryption methods being used to help insure the security of client/counselor/supervisor communications.

Encryption methods should be used whenever possible. If encryption is not made available to clients, clients must be informed of the potential hazards of unsecured communication on the Internet. Hazards may include unauthorized monitoring of transmissions and/or records of Internet counseling sessions.

11. The Internet counselor informs Internet clients if, how, and how long session data are being preserved.

Session data may include Internet counselor/Internet client e-mail, test results, audio/video session recordings, session notes, and counselor/supervisor communications. The likelihood of electronic sessions being preserved is greater because of the ease and decreased costs involved in recording. Thus, its potential use in supervision, research, and legal proceedings increases.

12. Internet counselors follow appropriate procedures regarding the release of information for sharing Internet client information with other electronic sources.

Because of the relative ease with which e-mail messages can be forwarded to formal and casual referral sources, Internet counselors must work to insure the confidentiality of the Internet counseling relationship.

Legal Considerations, Licensure, and Certification

- 13. Internet counselors review pertinent legal and ethical codes for guidance on the practice of Internet counseling and supervision.

Local, state, provincial, and national statutes as well as codes of professional membership organizations, professional certifying bodies, and state or provincial licensing boards need to be reviewed. Also, as varying state rules and opinions exist on questions pertaining to whether Internet counseling takes place in the Internet counselor's location or the Internet client's location, it is important to review codes in the counselor's home jurisdiction as well as the client's. Internet counselors also consider carefully local customs regarding age of consent and child abuse reporting, and liability insurance policies need to be reviewed to determine if the practice of Internet counseling is a covered activity.

- 14. The Internet counselor's Web site provides links to websites of all appropriate certification bodies and licensure boards to facilitate consumer protection.

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XIII. RULES - EFFECTIVE DATE

Rules shall be in effect ten (10) days following the Legislative Council approval date for individuals who hold a current Arkansas License, have an Arkansas application in process or for applications filed thereafter.

- 1. Footnote: The rules Section 8.2, lines 992-1412, of this document are adopted from the Model Rules of Procedure for Regulatory and Licensing Agencies, Published pursuant to Act 1648 of 2001 May 17, 2002, pages 12-22.
- 2. Footnote: The NBCC shaded document, Section XII, was copied directly from the . NBCC web site: www.nbcc.org. Reproduced with NBCC permission