

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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**For Office**

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Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency \_\_\_\_\_

Department \_\_\_\_\_

Contact \_\_\_\_\_ E-mail \_\_\_\_\_ Phone \_\_\_\_\_

Statutory Authority for Promulgating Rules \_\_\_\_\_

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**Intended Effective Date**

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Adopted by State Agency ..... \_\_\_\_\_

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

*Colin Davies*

Signature

Phone Number

E-mail Address

Title

Date

**ARKANSAS PSYCHOLOGY BOARD  
RULES  
2022**

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**ARKANSAS PSYCHOLOGY BOARD  
RULES  
2022**

**SECTION 1. GENERAL INFORMATION.**

**1.1 Description of Organization.**

The Arkansas Psychology Board is composed of nine (9) members appointed by the Governor of the State of Arkansas to staggered terms of five (5) years. Appointments for all positions, except the Consumer Representative and the Senior Citizen Representative, will be made from a list of nominees submitted to the Governor by the Arkansas Psychological Association or the Arkansas Association of Psychological Examiners, or by other interested Arkansas licensed Psychologists or Psychological Examiners as documented by a list which has attached thereto the signatures of at least twenty (20) licensed Psychologists or Psychological Examiners. Membership of the Board will be composed of one (1) academic Psychologist engaged in full-time teaching of psychology at the graduate level at an approved institute of higher learning or holding an active faculty appointment in an American Psychological Association approved pre or post-doctoral internship program; four (4) practicing Psychologists engaged in the full-time practice of psychology with at least one (1) Psychologist engaged in the full-time, private practice of psychology, and two (2) Psychological Examiners engaged in the full-time practice of psychology. Each Psychologist and Psychological Examiner must have been licensed to practice psychology in Arkansas for at least five (5) years immediately preceding appointment to the Board. The Consumer Representative and the Senior Citizen Representative, appointed from the general public, subject to confirmation by the Senate (Chapter 97, Statute 17-97-210; Act 113 of 1977; Act 939 of 1979; Act 955 of 1995) who are not actively engaged in or retired from the practice of psychology shall be voting members at-large.

**1.2 Responsibilities of the Organization.**

The Board is charged by law with regulating the practice of psychology in the State of Arkansas including, but not limited to, examining and passing upon the qualification of applicants for the practice of psychology. The major responsibility of the State Board is to insure that the people of the State of Arkansas are protected from misrepresentation, unethical practice, and/or incompetence in the practice of psychology.

### **1.3 Administration of the Organization.**

The Board is charged by law with administering its duties consistent with the Act under which it was organized and authorized to regulate the practice of psychology. Consistent with the Administrative Procedure Act and in the interest of the public of the State of Arkansas, the following are the major administrative responsibilities of the Board:

1.3. A. Records. Records of the Board shall be kept, maintained, and available for inspection according to the Freedom of Information Act.

1.3. B. Public Meetings. All Board meetings, except as otherwise specifically provided by law, whether formal or informal, shall be open to the public.

1.3. C. Public Notice. The date, time, and place of meetings shall be furnished to anyone requesting the information and shall be routinely published.

1.3. D. Forms. All forms and accompanying instructions shall follow these Rules.

1.3. E. Directory. The Board shall provide a Directory to the public upon request, which may be published in electronic form that includes the following:

1.3. E. (1) Names of all licensed individuals in the State.

1.3. E. (2) Level of licensure, whether Psychologist or Psychological Examiner.

1.3. E. (3) Text of Arkansas Code Annotated, Sec 17-97-101, et seq.

1.3. E. (4) A copy of these Rules.

1.3. E. (5) Information on Continuing Education requirements for licensure.

1.3. E. (6) Other information considered necessary by the Board to inform the public about the practice of psychology, or needed by the public to make informed use of psychological services. (A copy of

the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association adopted by the Board as part of these Rules shall be provided upon request to all individuals who do not have a copy and cannot otherwise obtain a copy of the principles.)

1.3. F. Opinions. Informal opinions given by individual Board members do not reflect the opinion of the full Board. Only opinions, decisions, or policies documented in the written minutes of Board meetings shall be considered binding actions of the Board.

## **SECTION 2. DEFINITIONS**

### **2.1. The Board defines the following major terms used in A.C.A. § 17-97-302 and § 303.**

2.1. A. The Board. In these rules, this term refers to the Arkansas Psychology Board

2.1. B. The Act. This phrase and the term A.C.A. refer to the Arkansas Code Annotated.

2.1. C. The Practice of Psychology. Unless specifically exempt by A.C.A. § 17-97-103, no person shall practice psychology in the State of Arkansas in any manner without a valid license issued by the Arkansas Psychology Board.

2.1. D. Principles, Methods, and Procedures of the Science of Psychology. These terms are descriptive, rather than limiting, and include those techniques used in evaluating and/or changing behavior, mental processes, and/or interpersonal relations.

2.1. E. For Such Purposes. This phrase is descriptive, rather than limiting. It includes such activities as interpersonal facilitation, hypnosis, individual therapy, group therapy, behavior modifications, and/or behavior therapy, and other forms of psychotherapy, counseling, research, assessment, psychological consultation, and other behavior change techniques whatever the location of the service. These activities are examples and are not to be construed as representative of all psychological activities.

2.1. F. Overall Personality Appraisal and Classification. This phrase is descriptive and includes diagnostic evaluation of mental disorders such as those contained within acceptable nosological classification systems such as



the DSM and ICD, with the exception of psycho educational or vocational diagnoses.

2.1. G. Supervising Psychologist. A Psychologist holding a valid and current license, whose training and experience are appropriate for supervision in the areas of the supervised practice, who abides by these Rules (See Section 6). Supervising Psychologist is not a legal title, but a description of a role.

2.1. H. Effective Communication. The Psychologist or Psychological Examiner providing therapeutic services must maintain a relationship with a qualified physician for the diagnosis and/or treatment of medical problems.

**2.2. The Board defines the following major terms used in Sections 5 and 6 of these Rules:**

2.2. A. Qualified Psychologist. Is not a legal title, but is an individual holding a doctorate who meets at least one of the following criteria:

2.2. A. (1) Is a licensed Psychologist

2.2. A. (2) Is an instructor of statistics/research design in a graduate department of psychology and holds a joint appointment in another department.

2.2. A. (3) Possesses a documented doctoral degree in psychology.

**2.3. The Psychological Interjurisdictional Compact (“Psypact”):**

2.3. A. Any reference in these Rules to “Psypact” refers to the Psychological Interjurisdictional Compact, which is codified at Ark. Code. Ann. § 17-97-501, *et. seq.*

**SECTION 3. BOARD Membership and Duties**

**3.1. Length of Term.**

Terms of each Board member shall expire on December 31 of the final year of the five (5) year term; however, these Board members shall continue to serve in full capacity until such time as the new member is appointed by the Governor and begins formal responsibilities.

**3.2. Revenue.**

*Engrossed 2022*

Revenue generated by fees shall constitute the income of the Board.

### **3.3. Meetings.**

At least one (1) regular meeting shall be held each year and additional meetings may be held as often as necessary.

### **3.4. Rules.**

Rules shall be adopted as necessary to define the role of the Board and facilitate the performance of its duties on behalf of the people of the State of Arkansas.

### **3.5. Quorum.**

A majority of members of the Board shall constitute a quorum for the conduct of business.

### **3.6. Assistants.**

Assistants may be hired by the Board, as are necessary to carry on its activities.

### **3.7. Grants.**

The Board may accept grants from foundations or institutions as considered necessary by the Board to assist in the fiscal responsibility.

### **3.8. Letters of Professional Reference.**

To prevent conflicts of interest, members of the Board may not provide professional references to applicants.

## **SECTION 4. USE OF TITLE.**

### **4.1. Licensure Requirement.**

Pursuant to A.C.A. § 17-97-301, it is a misdemeanor for any unlicensed individual to practice or hold him/herself out to the public as being engaged in the practice of psychology. Use of any title incorporating "psychology," "Psychologist" or "psychological," or any other title that, by implication, is associated with the practice of psychology, shall be used only by licensed individuals except as provided in A.C.A. § 17-97-307. Use of title by licensed individuals shall not be done in any manner which could reasonably confuse the public as to level of licensure.

Individuals who have been certified as School Psychology Specialists by the Department of Education shall use the title, School Psychology Specialist, and only that title, unless they are licensed as a Psychologist or Psychological Examiner.

#### **4.2. Students/Trainees.**

Students participating in a recognized training program in the practice of psychology shall clearly show this training status with descriptive terms such as "intern", "resident" or "trainee." Without such qualifying terms, they shall not hold themselves out, by title or implication, as qualified to practice psychology. Any use of a title by students which is in violation of these Rules and/or A.C.A. § 17-97- 101, et seq. may result in disciplinary action by the Board. A student is defined as an individual participating in a recognized training program which has an integrated and organized sequence of graduate level course work in psychology, and whose primary identification is that of student.

### **SECTION 5.QUALIFICATIONS OF APPLICANTS FOR LICENSURE**

#### **5.1. General.**

The Board shall establish education, experience, and professional requirements for licensure to practice psychology. These qualifications will comply with minimum standard practices in the field of psychology and represent the minimum level of skill and experience necessary for an individual to practice psychology in the State of Arkansas.

#### **5.2. Statement of Intent.**

Since A.C.A. § 17-97-101, et seq. is a generic licensure law and does not involve specialty licensure in the State of Arkansas, a Statement of Intent must accompany each application for licensure. This document is used by the Board to define and limit the applicant's practice of psychology to those areas in which the applicant has academic training and supervised experience, as per the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association. The Statement of Intent shall reflect the proposed application of skills and abilities in the practice of psychology, populations to be served, settings in which services will be rendered, and specific professional limitations. Independent practice privileges within each area listed on the Statement of Intent require a minimum of:

5.2. A. Completion of a three (3) semester hour (or equivalent quarter hour) didactic course, or equivalent instruction, in the relevant area.

5.2. B. Documented evidence of supervised experience in the area.

5.2. C. Documentation by a supervisor of that applicant showing entry level competence in that area.

5.2. D. Supervised practice privileges; this includes:

5.2. D. (1) Completion of a three (3) semester hour didactic course, or equivalent, and

5.2. D. (2) Supervised experience in that area of practice.

The Board's evaluation of the Statement of Intent shall ensure that the applicant has sufficient academic training, supervised experience, skills, abilities, and knowledge of the profession of psychology to practice consistent with the Statement of Intent.

### **5.3. Requirements for Licensure as a PSYCHOLOGICAL EXAMINER.**

5.3. A. The individual must have a master's degree in psychology or closely related field from an accredited educational institution that the Board recognizes as maintaining satisfactory standards. The institution must have been accredited by the region in which it provides academic training at the time the degree was granted, and the program of study must meet all of the following criteria:

5.3. A. (1) The program is a recognizable coherent entity within the institution.

5.3. A. (2) The program is an integrated, organized sequence of study.

5.3. A. (3) There must be an identifiable psychology faculty on-site sufficient in size to ensure the ratio of faculty to students is adequate for instruction. The faculty must also have sufficient breadth in order to ensure that the scope of knowledge in psychology provides for adequate instruction. Sufficiency shall be subject to the judgment of the Board.

5.3. A. (4) The program has an identifiable body of students who are matriculated in that program for a degree.

5.3. A. (5) The program must include a supervised practicum or internship, or field laboratory training appropriate to the practice of psychology.

5.3.A.(6) The curriculum shall encompass a minimum of two academic years of full-time graduate study, including instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics.

5.3. B. The program of study must meet the following minimum requirements:

5.3. B. (1) Forty-Five (45) graduate semester hours or seventy-five (75) quarter hours with an average grade of "B" or above in the Department of Psychology. If taught in a department other than Psychology, the courses must have been taught by a qualified Psychologist as defined in Section 2.2. A. of the Rules and Regulations.

5.3. B.1. (a) Individuals who have master's degrees in psychology or its equivalent making application on or prior to August 30, 2002 will be allowed to meet the previous thirty-six (36) or equivalent quarter hour requirement. After this date the standard set forth in 5.3.B. (1) will apply to all Psychological Examiner applicants.

5.3.B.(2) Graduate level course work of three (3) semester hours (5 quarter hours) with a grade of "B" or above in seven (7) of the following general areas of psychological study:

5.3. B. (2). (a) Learning (theories or processes).

5.3. B. (2). (b) Statistics (descriptive and inferential).

5.3. B. (2). (c) Individual Intelligence Testing with practicum.

5.3. B. (2). (d) Individual Personality Appraisal.

5.3. B. (2). (e) Behavior Deviation or Abnormal Psychology.

5.3. B. (2). (f) Personality Theories.

5.3. B. (2). (g) Developmental Psychology.

5.3. B. (2). (h) Psychotherapy Theories & Techniques.

5.3. B. (2). (i) Social Psychology.

5.3. B. (2). (j) Industrial/Organizational Psychology

5.3. B. (2). (k) Research Design

5.3. B. (2). (l) Behavior Theory or Techniques of Behavior.

5.3. B. (2). (m) Physiological Psychology or Sensation and Perception

5.3. B. (2). (n) Ethics and/or Professional Issues

5.3. B. (3) A maximum of two (2) of the courses listed in Section 5.3. B. (1) may be taken as independent study courses. No course work required in Section 5.3. B. (2) may be taken as independent study. Examples of independent study include but are not limited to the following:

5.3. B. (3). (a) Courses defined by the institution as independent study.

5.3. B. (3). (b) Classes in which fewer than two (2) students are enrolled.

5.3. B. (3). (c) Correspondence courses.

5.3. B. (3). (d) Classes which have less than one (1) class meeting every other week.

5.3. B. (3). (e) Classes which do not meet on an identifiable campus.

However, a course offered within a program which is accredited by the American Psychological Association may have features 5.3.B. (3) (d) and 5.3.B. (3) (e) and not be considered independent study by the Board.

5.3. B. (4) Individual courses must specifically support areas of practice listed on the licensee's Statement of Intent.

5.3. B. (5) Fifteen (15) graduate semester hours (twenty-two [22] graduate quarter hours) of the program of study must specifically support the Statement of Intent to practice Psychology.

5.3. C. A minimum of 600 clock hours of supervised experience directly related to the intended use of the license as defined by the Statement of Intent obtained by formal internship. The internship must meet all of the following criteria:

5.3.C.(1) The training program must be organized, in contrast to supervised experience or on-the-job training, and designed to provide the intern with a preprogrammed sequence of training experiences. The primary focus and purpose must be assuring the breadth and quality of training.

5.3.C.(2) The internship must have at least one designated supervising Psychologist who is responsible for the integrity and quality of the training program and who is actively licensed by the State Board of Examiners in Psychology.

5.3.C.(3) The agency must have at least one Psychologist on the staff or an affiliated Psychologist as supervisor and this Psychologist must be actively licensed as a Psychologist by the State Board of Examiners in Psychology.

5.3. C. (4) Internship supervision must be provided by a staff Psychologist of the internship agency or by an affiliate Psychologist of that agency who carries clinical responsibility for the cases being supervised.

5.3.C.(5) The internship must provide training in a range of assessment and treatment activities conducted directly with persons served who are seeking health services, or assessment and treatment planning in school settings.

5.3. C. (6) At least 25 percent of the intern's time must be in direct contact with persons served by the organization (minimum 125 hours).5.3.C. (7) The internship must include a minimum of one (1) hour per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with services rendered directly by the intern.

5.3. C. (8) The internship must be post-practicum and/or post-clerkship.

5.3. C. (9) The intern must have a title indicating his/her training status.

5.3. C. (10) The internship must be completed within 24 months.

5.3. C. (11) Public announcements of services and fees and contact with the lay or professional community shall be offered only by or in the name of the supervising Psychologist or agency.

5.3. C. (12) Users of the intern's services shall be informed as to the intern's status, and shall be given specific information as to his/her qualifications and functions.

5.3. C. (13) Persons served shall be informed that they may meet with the supervising Psychologist at their request, or at the request of the intern or the supervising Psychologist.

5.3. C. (14) The supervising Psychologist is responsible for all documentation including clinical records, reports, and written correspondence. Countersignatures may be required, at the discretion of the supervising Psychologist.

5.3.C. (15) The supervising Psychologist shall establish and maintain a level of supervisor contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

5.3. D. Compliance with all requirements set forth in A.C.A. § 17-97-101, et seq. is mandatory.

5.3. E. References attesting to the applicant's ethical and professional behavior and to his/her competence in relevant skill areas must accompany the application. These professional references must include the following:

5.3. E. (1) A reference documenting successful program completion from the Director of the academic training program at the institution where the academic work and/or training were obtained. 5.3. E. (2) Three (3) references from qualified professional Psychologists who have direct and comprehensive knowledge of the applicant's competence. A qualified Psychologist is defined in Section 2.2.A. of the Rules and Regulations.



5.3. F. Change in Status. Psychological Examiners requesting a change to Psychologist licensure must submit the appropriate application and documentation materials, pay the application fee, and meet all requirements for licensure as a Psychologist.

5.3.5 Requirements for Licensure As a Psychological Examiner With Independent Practice Privileges (LPE-I). At any point in their career, a person with an LPE license may apply for independent practice privileges.

5.3.5.A. An Individual must have an LPE license issued by this Board or meet all requirements for the LPE license with a master's degree in Psychology.

5.3.5.B. An individual licensed as an LPE prior to 12/31/1997 shall write a letter to the Board requesting independent practice privileges and shall submit a revised Statement of Intent For Independent Practice. Independent practice must exclude Neuropsychological Assessment and Projective Personality Assessment.

5.3.5.C. An individual licensed as an LPE after 12/31/1997 must write a letter to the Board applying for independent practice privileges. This application must include:

5.3.5.C.(1) A revised Statement of Intent which excludes the independent practice of Neuropsychological Assessment and Projective Personality Assessment and provide documentation of having received appropriate training and experience in those areas requested for independent practice.

5.3.5.C.(2) A plan of supervision of 3000 hours of clinical training, defined as direct and indirect client service, by a Board approved supervisor. The plan of supervision must be approved by the Board prior to implementation of the plan.

5.3.5.D After 12/31/2013, no new psychological examiner license shall be issued.

#### **5.4. Requirements for Licensure as a PSYCHOLOGIST.**

5.4. A. A doctoral degree in psychology from a regionally accredited institution that meets the following criteria and is recognized by the Board as maintaining satisfactory standards.

5.4. A. (1) Programs that are accredited by the American Psychological Association, the Canadian Psychological Association or

5.4. A. (2) Programs that meet all of the following criteria:

5.4. A. (2) (a) Training at the doctoral level in professional psychology offered in a regionally accredited institution of higher education.

5.4. A. (2) (b) The psychology program is a recognizable coherent entity within the institution.

5.4. A. (2) (c) The program is an integrated, organized sequence of study.

5.4. A. (2) (d) There must be an identifiable psychology faculty on-site sufficient in size to ensure the ratio of faculty to students is adequate for instruction. The faculty must also have sufficient breadth in order to ensure that the scope of knowledge in psychology provides for adequate instruction. Sufficiency shall be subject to the judgment of the Board.

5.4. A. (2) (e) The program has an identifiable body of students who are matriculated in that program for a degree.

5.4. A. (2) (f) The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study and a minimum of one year's residency at the educational institution granting the doctoral degree. Residence requires education and training to be completed over the days and weeks of an academic year on campus and provides students access to a core psychology faculty, whose primary time and employment responsibilities are to the educational institution, as well as access to other students matriculated in that program. Residency is not intended to be accrued in experiences off campus in which medical or non-psychology services are observed and discussed as a substitute for regular classroom instruction and or seminars. Models that use face to face contact for short durations throughout a year as a substitute for full time residency defeat the intended purpose of residency. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and

psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five [5] or more graduate quarter hours) in each of these four (4) substantive content areas:

5.4. A. (2) (f) (i). Biological bases of behavior: Physiological psychology, comparative psychology, sensation and perception, psychopharmacology.

5.4. A. (2) (f) (ii). Cognitive-affective bases of behavior: Learning, thinking, motivation, emotion.

5.4. A. (2) (f) (iii). Social bases of behavior: Social psychology, group processes, organizational and systems theory.

5.4. A. (2) (f) (iv). Individual differences: Personality theory, human development, abnormal psychology.

5.4. B. A reference documenting successful program completion from the Director of the academic training program at the institution where the academic work and/or training were obtained.

5.4. C. Three (3) references from qualified Psychologists with direct and comprehensive knowledge of the applicant's competence. A qualified Psychologist is defined in Section 2.2.A. of the Rules.

5.4. D. Applicants who hold a doctoral degree in a closely allied field may be considered for licensure if the degree is from a regionally accredited institution that is recognized by the Board as maintaining satisfactory standards.

5.4. D. (1) This training must have been in a program that stands as a recognizable entity within the institution, and the program, wherever it may be administratively housed, must clearly be identified and labeled as a psychology program. Pertinent institutional catalogues and brochures must specify that its intent is to educate and train professional Psychologists.

5.4. D. (2) The training must meet all the requirements of Section 5 of these Rules.

5.4. E. Academic Course Requirements. Professional education programs in psychology are to be accredited by the American Psychological Association or will include course requirements as follows:

5.4. E. (1) A minimum of eighty (80) graduate semester hours (or one hundred thirty-three [133] graduate quarter hours) with a grade of B or above. Course work must have been taught by a qualified Psychologist. A "qualified Psychologist" is defined in Section 2.2.A. of the Rules.

5.4.E.(2) Graduate course work of three (3) semester hours (5 quarter hours) with a grade of "B" or above in seven (7) of the following general areas of psychological study:

5.4. E. (2) (a) Learning (Theories or Processes).

5.4. E. (2) (b) Statistics (Descriptive and Inferential).

5.4. E. (2) (c) Individual Intelligence Testing with practicum.

5.4. E. (2) (d) Individual Personality Appraisal.

5.4. E. (2) (e) Behavior Deviation or Abnormal Psychology.

5.4. E. (2) (f) Personality Theories.

5.4. E. (2) (g) Developmental Psychology.

5.4. E. (2) (h) Psychotherapy Theories and Techniques.

5.4. E. (2) (i) Social Psychology.

5.4. E. (2) (j) Industrial/Organizational Psychology.

5.4. E. (2) (k) Research Design.

5.4. E. (2) (l) Behavior Theory or Techniques or Behavior Modification.

5.4. E. (2) (m) Ethics and Professional Issues.

5.4. E. (2) (n) Physiological Psychology or Sensation and Perception.

5.4. E. (3) A maximum of two (2) of the courses listed in 5.4.E. (1) may be taken as independent study courses. No course work required in Section 5.4.E. (2) may be taken as independent study. Examples of independent study include but are not limited to:

5.4. E. (3) (a) Courses defined by the institution as independent study.

5.4. E. (3) (b) Classes in which fewer than two (2) students are enrolled.

5.4. E. (3) (c) Correspondence courses.

5.4. E. (3) (d) Classes which have less than one (1) class meeting every other week.

5.4. E. (3) (e) Classes which do not meet on an identifiable campus.

However, a course offered within a program which is accredited by the American Psychological Association may have features 5.4.E. (3) (d) and 5.4.E. (3) (e) and not be considered independent study by the Board.

5.4. F. Supervised Experience. To become licensed in Arkansas, a psychologist must complete a 2000 hour pre-doctoral internship program and obtain 2000 hours of post-doctoral supervision.

5.4. F. (1) Pre-Doctoral Internship. A pre-doctoral internship program that is accredited by the Psychological Association which provides training consistent with both the doctoral program of study and the Statement of Intent; or

5.4. F. (2) A 2000 hour internship program that meets all of the following criteria:

5.4. F. (2) (a) The internship program must be organized, in contrast to supervised experience or on-the-job training, and designed to provide the intern with a programmed sequence of training experiences. The primary focus and purpose must be assuring the breadth and quality of training.

5.4. F. (2) (b) The internship program must have a clearly designated staff Psychologist who is responsible for the integrity and quality of the training program and who is actively licensed/certified by the Arkansas Psychology Board or the proper psychological licensing entity, if participating in an internship in another state.

5.4. F. (2) (c) The internship program must have two or more Psychologists on the staff as supervisors, at least one of whom must be actively licensed as a Psychologist by the Arkansas Psychology Board or the proper psychological licensing entity, if participating in an internship in another state.

5.4. F. (2) (d) Internship supervision must be provided by a staff member of the internship program or by an affiliate of that program who carries clinical responsibility for the cases being supervised. At least half of the internship supervision must be provided by one or more Psychologists.

5.4. F. (2) (e) The internship program must provide training in a range of assessment and treatment activities conducted directly with patients seeking health services.

5.4. F. (2) (f) The internship program must be completed within a multidisciplinary setting. The contribution of a minimum of two (2) other disciplines, whose expertise is germane, into the evaluation and intervention decisions in professional problems areas is considered a necessary aspect of professional training and experience.

5.4. F. (2) (g) The intern must spend at least 25 percent of the of the program in direct patient contact (minimum 500 hours).

5.4. F. (2) (h) The internship program must include a minimum of two (2) hours per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with health services rendered directly by the intern. There must also be at least two (2) additional hours per week in learning activities such as: case conferences involving cases in which the intern was actively involved; seminars dealing with clinical issues; co-therapy with a staff person

including discussion; group supervision; or additional individual supervision.

5.4. F. (2) (i) Training must be post-clerkship, post-practicum, and post-externship level.

5.4. F. (2) (j) The intern must have a title indicating his/her training status.

5.4.F. (2) (k) The internship program must make available to prospective interns a written statement (i.e., brochure, handbook, etc.) that describes the goals and content of the internship program, stating clear expectations for quantity and quality of the intern's work.

5.4. F. (2) (l) The internship program must be completed within 24 months.

5.4. F. (2) (m) Public announcement of services and fees and contact with the lay or professional community shall be offered only by or in the name of the supervising Psychologist or agency.

5.4.F. (2) (n) Users of the intern's services shall be informed as to the intern's status, and shall be given specific information as to his/her qualifications and functions.

5.4. F. (2) (o) Persons served shall be informed that they may meet with the supervising Psychologist at their request, or at the request of the intern or the supervisor.

5.4. F. (2) (p) The supervisor is responsible for all documentation including clinical records, reports, and written correspondence. Countersignatures may be required, at the discretion of the supervising Psychologist.

5.4. F. (2) (q) The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

5.4. F. (2) (r). The internship program must have a minimum of two (2) interns at the doctoral level of training during applicant's

training period. An internship with only one intern must be approved by the Board as clearly meeting all items a-q.

5.4. F. (3) For practice which is not health service related (i.e., does not provide direct ameliorative services) 2,000 hours of a supervised pre-doctoral internship program consistent with the doctoral program of study and the Statement of Intent to practice psychology are required.

5.4. G. All requirements listed in A.C.A. § 17-97-101, et seq. must be met.

5.4. H. Postdoctoral Supervised Experience. Two thousand (2000) hours of supervised postdoctoral experience is required.

5.4 H. (1) Postdoctoral supervision must meet the following criteria:

5.4. H. (1)(a) Be in line with the individual's program of doctoral study and consistent with the Statement of Intent to Practice.

5.4. H. (1)(b) Be full- time (40 hours per week) for at least one calendar year (50 weeks). A part-time post-doctoral supervised experience must be pre-approved by the Board. Post-doctoral supervision may not exceed three (3) years.

5.4. (1)(c) At least 25 percent (minimum of 500 hours) of the postdoctoral experience must be in the provision of direct client services (i.e., psychological treatment and assessment) consistent with the individual's Statement of Intent to Practice.

5.4. H. (1)(d) Be under the supervision of a licensed Psychologist(s) whose Statement of Intent to Practice is consistent with the areas(s) of supervised experience.

5.4. H. (2) The supervisee must accumulate a minimum of one (1) hour per week of regularly scheduled formal face-to-face supervision with the specific intent of dealing with services rendered directly by the supervisee.

5.4. H. (3) Because the professional practice of psychology is not limited to clinical work, components of practice other than direct ameliorative services may be included in the postdoctoral supervised experience. These components include:



5.4. H. (3) (a) Teaching of psychology at a recognized academic institution or training program.

5.4. H. (3) (b) Research in psychology.

5.4. H. (3) (c) Consultation in psychology

5.4. H. (3) (d) Psychological or mental health related administration

5.4. H. (4) For practice which is not health service related (i.e., does not provide direct ameliorative services), 2,000 hours of supervised training experience consistent with the doctoral program of study, internship, and the Statement of Intent to practice psychology are required.

5.4. H. (5) To begin accruing postdoctoral supervised hours, applicants for licensure as a Psychologist must apply for and be granted Provisional Licensure status. If they have not already passed the written examination, applicants are expected to pass the written licensure exam during the Provisional Licensure period. Provisional Licensure status is granted for up to 18 months and may be extended up to 3 years. If an applicant has not passed the written examination after three years, they may not engage in the professional practice of psychology as defined in ACA § 17-97102.

5.4. I Senior Psychologist Licensure Notwithstanding requirements for licensure as outlined in A.C.A. § 17-97-302, the Board shall issue a Senior Psychologist License to an applicant who has:

5.4. I. (1) At least twenty (20) years of licensure to practice psychology in a state of the United States or in Canada if that license was based on a doctoral degree:

5.4. I. (2) Received no disciplinary sanction during the entire period of licensure; and

5.4. I. (3) Tendered the appropriate application and fees as required under this chapter or the Rules of the Board.

## **5.5. Application Procedures for Licensure (All Applicants).**

5.5. A. Inquiries. Application inquiries and completed application forms shall be submitted to the Administrative Staff of the Board.

5.5. B. Application Package. Upon request, and following payment of the application fee, the Administrative Staff will provide the applicant with the approved application packet.

5.5. C. A first time applicant must apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check. The board shall follow the licensing restrictions based on criminal records under A.C.A. § 17-3-101, et. seq.

### **5.5.C.(1) Pre-Licensure Criminal Background Check**

5.5.C. (1) (a) An individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

5.5.C. (1) (b) The individual must obtain the pre-licensure criminal background check petition form from the Board.

5.5.C. (1) (c) The Board will respond with a decision in writing to a completed petition within a reasonable time.

5.5.C. (1) (d) The Board's response will state the reason(s) for the decision.

5.5.C. (1) (e) All decisions of the Board in response to the petition will be determined by the information provided by the individual.

5.5.C. (1) (f) Any decision made by the Board in response to a prelicensure criminal background check petition is not subject to appeal.

5.5.C. (1) (g) The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

### 5.5.C. (2) Waiver Process

5.5.C. (2) (a) If an individual has been convicted of an offense listed in A.C.A. § 17-3-102(a) or (e) the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

a. An affected applicant for a license; or

b. An individual holding a license subject to revocation.

5.5.C. (2) (b) The Board may grant a waiver upon consideration of the following, without limitation:

a. The age at which the offense was committed;

b. The circumstances surrounding the offense;

c. The length of time since the offense was committed;

d. Subsequent work history since the offense was committed;

e. Employment references since the offense was committed;

f. Character references since the offense was committed;

g. Relevance of the offense to the occupational license; and

h. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

5.5.C. (2) (c) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

5.5.C. (2) (d) The Board will respond with a decision in writing and will state the reasons for the decision.

5.5.C. (2) (e) An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 et seq.

5.5. D. Completed Application. In order for the application to be considered complete, the applicant's file must contain all requested documentation,

information, and validation, and the total application fee must be paid. The Board will not review an application until it is complete.

5.5. E. The course work required in Sections 5.3 and/or 5.4 must be documented in the application. If necessary, clarifying documents may be submitted that describe the pertinent content of courses. Such documents may include the educational institution's catalog, a letter from the instructor(s), or a copy of the course outline.

#### 5.5. F. Provisional Licensure Applicant Status

5.5. F. (1) Only provisional licensure applicants may practice psychology in the State of Arkansas without holding a valid and current license, except as discussed in Section 7. Provisional licensure applicants may practice psychology under the supervision of a qualified Psychologist and under the rules established for supervision of provisional licensure applicants (Section 6). Any other persons practicing psychology by title or implication may be subject to disciplinary action pursuant to A.C.A. § 17-97-101, et seq.

5.5. F. (2) The applicant shall be considered a provisional licensure applicant when the Board approves all application materials and admits the applicant to the next scheduled written examination. Upon receiving provisional licensure applicant status, an applicant will be notified by the Board of that status.

5.5. F. (3) Provisional Licensure, unless a reciprocity applicant, applicants may not practice psychology independently. They may practice only under the direction and control of a licensed Psychologist, or public or private agency, institution, or organization with which the supervisor is associated.

5.5. F. (4) Decision Regarding Application. Following formal credentials review, a positive recommendation shall qualify the applicant for provisional licensure applicant status. If the recommendation is not positive, the application under review shall be submitted to the full Board for review. An affirmative vote of a majority of the Board shall be held as evidence that the applicant has been assigned provisional licensure applicant status and has been admitted to the next scheduled written and/or oral examination. Provisional licensure applicant status shall be revoked and the applicant shall not be eligible for licensure if the information from the Identification Bureau of the Arkansas State Police reveals that the applicant has

pleaded guilty or nolo contendere to, or been found guilty of, any offense listed in A.C.A. § 17-3-102(a). An applicant whose status is revoked may appeal this action through procedures identified in Section 12.2.

5.5. G. Notification of Status. Following formal credentials review, the applicant shall be notified by the Administrative Staff of the status of the application.

5.5. H. Collateral Notification. Upon completion of the application process, the Administrative Staff shall, at the request of the applicant, notify prospective or current employers of the applicant's status.

5.5. I. Work Permit Eligibility. The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a "work permit."

## **5.6. Interjurisdictional Practice of Psychology.**

5.6. A. An individual licensed to practice psychology in another jurisdiction may obtain a license to practice psychology in this jurisdiction without written examination, so long as the requirements for a license in the former jurisdiction are equal to, or exceed, the requirements for a license in this jurisdiction, as defined by A.C.A. § 17-97-101, et seq. and the rules of the Board. The Board has determined that an applicant for licensure who holds a Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB), or National Register certification who has held an active license in another jurisdiction for at least five (5) years shall be deemed to have met the educational and experience requirements for licensure. Such licensees may be subject to disciplinary action for any of the grounds listed in A.C.A. § 17-97-102(a) and Rule 10.2 on the same basis as other licensees, including actions taken in another jurisdiction.

5.6. B. Individuals desiring to apply for licensure pursuant to this provision (Rule 5.6) who have been licensed for at least five (5) years in a state which has entered into The National Register or through the ASPPB CPQ Program

must:

5.6. B. (1) Complete the application on the forms provided by the Administrative Staff. Following payment of the application fee, the Administrative Staff will provide the applicant with the approved application packet. Request must be made for a "National Register" or "CPQ" Application packet.

5.6. B. (2) Pay the appropriate application fee.

5.6. B. (3) Apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check. In order to be considered for licensure, it must be determined that said individual has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in A.C.A. 17-97-102(a) within the preceding five (5) years, or have the Board waive the same pursuant to A.C.A. 17-97102(b).

5.6. B. (4) In order for the application to be considered complete, the applicant's file must contain all requested documentation, information, and validation, and the total application fee must be paid. The Board will not review an application until it is complete.

5.6. C. Individuals desiring to apply for licensure pursuant to this provision (Rule 5.6) who are not licensed in a state that has entered into the The National Register and the ASPPB CPQ Program pursuant to these criteria must:

5.6. C. (1) Complete the standard application and meet all requirements as set out in Rule 5.5.

5.6. C. (2) Request the Board to determine that the jurisdiction in which the applicant is licensed has standards that are not lower than those required by Arkansas law. All other requirements will remain the same.

5.6. D. It is not considered to be practicing if the licensed individual from another jurisdiction is involved in:

5.6. D. (1) Consultation, with prior Board notification, on one case per year (maximum of thirty (30) days per calendar year). The Psychologist must notify the Board if it exceeds thirty (30) days in any one year prior to beginning the consultation. A letter describing the nature and length of the consultation, along with verification of credentials and appropriate licensure should be submitted to the Board prior to the provision of services.

5.6. D. (2) Voluntary disaster relief, with appropriate training, under the auspices of the American Red Cross or similarly organized programs.

5.6. E, Temporary Interjurisdictional Practice by Psypact State Psychologists.

5.6. E. (1) Section 5.6. D. (1) does not apply to Psychologists who are licensed in Psypact member states and hold a valid Temporary Authorization to Practice.

5.6. E. (2) Temporary interjurisdictional practice by Psychologists who are licensed in Psypact member states and hold a valid Temporary Authorization to Practice is governed by Article V of Psypact A.C.A. § 17-97-501.

## **SECTION 6. SUPERVISION**

### **6.1. Applications.**

Qualified supervision is required for those individuals who:

6.1. A. Have been provisionally licensed by the Board for the practice of psychology under qualified supervision.

6.1. A.(1) A provisional licensure Psychologist applicant who has held a Psychologist license in another jurisdiction for a period of 5 years and has been approved by the Board is exempt.

6.1. B. Are provisionally licensed by the Board as a psychology intern participating in an American Psychological Association-accredited predoctoral internship program.

6.1. C. Are licensed Psychological Examiners who are required by law to be supervised in some activities of the practice of psychology with the exception of psycho educational testing and diagnosis as consistent with their Statement of Intent to Practice.

6.1. D. Are deemed by the Board, because of academic, experiential, professional, or personal background reasons or because of formal adjudication or stipulated agreement, to require supervision in the practice of psychology.

6.1.E. Persons functioning as Neuropsychology Technicians.

**6.2. General Responsibilities in the Supervisory Arrangement.**

6.2. A. The Board shall not assume responsibility for establishing supervisory relationships.

6.2. B. A specific plan of supervision must be filed by the supervisor and the supervisee for approval by the Board prior to any delivery of services by the supervisee. The plan shall be individualized for the supervisee, protect the public interest, and increase and/or maintain the supervisee's level of professional skills.

6.2. B. (1) The plan of supervision must include the following:

6.2. B. (1) (a) A clear definition of the area(s) of practice to be supervised, including the types of activities and the populations served.

6.2. B. (1) (b) The frequency and times of supervisory sessions and specific areas to be covered, i.e., individual/group psychotherapy, assessments, tests administered, etc., will be determined by the supervising Psychologist.

6.2. B. (1) (c) A statement of educational and experiential goals for the supervisory period which may include formal course work, workshops, pertinent literature study, etc.

6.2. B. (1) (d) The plan shall be signed by both supervisor and supervisee.

6.2. B. (2) Exceptions or modifications to the plan shall be communicated to the Board within thirty (30) days.

6.2. B. (3) Should a supervisor and a supervisee have an unresolved disagreement regarding the plan of supervision, either party may initiate an appeal to the Board for resolution. For specialized areas in which the Board may lack expertise, the Board may appoint a committee of at least three (3) experienced psychology professionals to review the matters in contention and make recommendations to the Board for the Board's decision. This subsection does not apply to the supervision of Technicians.



6.2. C. The supervisor shall establish and maintain a level of supervisory contact consistent with professional standards, insuring the welfare of the public, and the ethical and legal protection of the supervision process.

6.2. C. (1) A minimum of 1 hour of face-to-face supervision per week for provisional licensure applicants who have not previously held a psychology license. There may be special circumstances, e.g., geographical or confirmed physical hardship, when a jurisdiction may consider a variance in the frequency of the supervision sessions so that a minimum of four (4) hours per month of one-to-one supervision shall be maintained.

6.2. D. While the Board recognizes that the number of persons supervised by a given Psychologist may vary, the Board reserves the right to require documentation by the Psychologist of the adequacy of supervision when one Psychologist is supervising multiple licensed professionals or applicants for licensure.

6.2. D. (1) The Identity and role of the supervisor should be clearly documented, with the supervisor's signature, in the clinical record of each person served. This is to notify users of the record that the case is being supervised and to acknowledge that the supervisor is aware of the supervisee's work in each case. (The Board does not require cosignature of progress notes; however, co-signature is one option for documenting supervision at the discretion of the supervisor.)

6.2. E. The Board requires the supervisor to be clearly aware of the professional skills, practices, ethics, and abilities of each person being supervised.

6.2. E. (1) Supervisors may only supervise those areas of practice Indicated in their own Statement of Intent.

6.2. F. A Psychologist may be disqualified by the Board as a supervisor should he/she fail to provide adequate supervision under the requirements of the Rules of the Board.

6.2. G. As of October 1, 2000, the following shall be in effect: Supervising Psychologists shall be licensed or certified for the practice of psychology and must be aware of and abide by the ethical principles and state or provincial statutes pertaining to the practice of psychology in general and to supervision in particular. Supervisors have adequate training, knowledge and skill to render competently any psychological service that their

supervisee undertakes. They shall not permit their supervisee to engage in any psychological practice that they cannot perform competently themselves. The supervisor has the responsibility to interrupt or terminate the supervisee's activities whenever necessary to ensure adequate training and the protection of the public. The supervisor has training and/or coursework in supervision and three (3) current recommendations in order to qualify as a supervisor.

6.2. H. Supervision sessions should be documented giving dates, time spent, nature of the contact with the supervisor, and both signatures.

### **6.3. Requirements of Supervision.**

6.3. A. Supervision of Students. Students who are enrolled in a program of study (as defined in Sections 5.3.B, 5.3.C, 5.4.A of these Rules) shall be supervised in any and all practice of the profession of psychology, in keeping with the rules for training students in the practice of psychology, and shall be the responsibility of the Psychologist supervisor, both site and academic. Supervision of students (as defined in Sections 4.2 and 7.2) shall not be monitored by this Board unless the student is participating in an APA accredited pre-doctoral internship and is provisionally licensed by the Board. The student and approved supervisor shall be required to submit quarterly reports on supervision during the internship program which shall be reviewed by the Board. The Board will report any problems or concerns regarding the supervision to the Director of the Pre-Doctoral Internship Program.

#### **6.3. B. Supervision of Licensed Psychological Examiners.**

6.3. B. (1) An annual supervision report, due by June 30 of each year, shall be mandatory for all licensed Psychological Examiners who are engaged in those professional activities that, by law, require supervision. The report shall detail the types of activities in which the supervisee is engaged.

6.3. B. (1) (a) It is the responsibility of the supervisee to see that the annual report is sent to the Board.

6.3. B. (2) The Supervision Report Form shall be designed by the Board to provide the information necessary to monitor the nature of supervision. The following minimal information shall be included:

6.3. B. (2) (a) Supervisee's name and signature.

6.3. B. (2) (b) Supervisor's name and signature.

6.3. B. (2) (c) Frequency and type of scheduled supervision sessions, and nature of supervision contacts, whether individual, group, telephone, or correspondence.

6.3. B (2) (d) Total number of hours of supervision per type of contact as defined in (c) above.

6.3. B. (2) (e) Periods of supervision covered in the report.

6.3. B. (2) (f) Description of the nature of unscheduled supervision and contact of supervisor with supervisee.

6.3. B. (2) (g) Description of supervisee's general functions being supervised.

6.3. B. (2) (h) Description of any specific areas covered in the supervision process, e.g., expanding practice, etc.

6.3. B. (3) Any change of status in the supervisory relationship must be reported in writing by the supervisee to the Board within ten (10) working days of the change of status.

6.3. B. (4) The Board recognizes that, under all circumstances, the variability of practice, level of professional skill, and personal/professional characteristics of the Psychological Examiner is such that individually tailored supervision is necessary. The specific content of the supervised procedures shall be worked out between the individual supervisor and the Psychological Examiner and shall ensure the rights and promote the welfare of the public of the State of Arkansas. Psychological Examiners can practice psychoeducational evaluation and diagnosis without supervision. However, A.C.A. §17-97-102 requires supervision of Psychological Examiners for "overall personality appraisal or classification, personality counseling, psychotherapy, or personality adjustment techniques." Supervisors are responsible for all these services provided by Psychological Examiners under their supervision, whatever the method of documentation of personality evaluations and treatment plans. Co-signature is one option for documenting this relationship and supervision.

6.3. B. (5) As required by law, when inquiry is made, users of the Psychological Examiner's services shall be informed when services provided are supervised.

6.3. C. Supervision of Provisional Licensure Applicants. (See also Section 5.5. E)

6.3. C. (1) All services provided by a Provisionally Licensed Psychologist must be supervised by a qualified Psychologist, unless they are a candidate for licensure via reciprocity. The licensed Psychologist who provides supervision for the applicant will be clinically and professionally responsible for the work of the supervisee. The supervisor shall be accessible to the supervisee at any point during the supervisory relationship. The supervisor's relationship with the supervisee shall be separate from that of a consultant, who may be called in at the discretion of the applicant. The consultant will have no clinical or professional accountability for the services provided or for the welfare of the client/patient/consumer.

6.3. C. (2) Public announcement of services and fees, and contact with the lay or professional community shall be offered only in the name of the supervising Psychologist. Titles of applicants must clearly show their provisional licensure status.

6.3. C. (3) Users of the Provisionally Licensed Psychologist's services shall be informed of his/her status, and shall be given specific information about his/her qualifications and functions.

6.3. C. (4) Clients/patients/consumers shall be informed that they may meet with the supervising Psychologist at their request or at the request of the service provider or the supervisor.

6.3. C. (5) Setting and receipt of a fee shall remain the sole responsibility of the employing agency or supervising Psychologist.

6.3. C. (6) All written professional reports and communications shall be countersigned by the supervising Psychologist.

6.3. C. (7) The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical, or legal issues are raised.

6.3. C. (8) An ongoing record of supervision shall be maintained that details the types of activities in which the Provisionally Licensed Psychologist is engaged, the level of competence in each, and the type and outcome of all procedures.

6.3. C. (9) Supervision Report Forms from the supervising Psychologist shall be mandatory during the period the applicant is practicing psychology without a license. These reports shall be the joint responsibility of the supervisor and the supervisee. These reports shall be submitted to the Board on a quarterly basis, with a minimum of one report made available to the Board prior to the Examination. These reports will be reviewed by the Board. Review responses shall be given to the supervisor and the supervisee as necessary to assure the Rules of this Board are fulfilled.

#### 6.3. D. Supervision of Licensed Professionals Who are Expanding Their Practice of Psychology

6.3. D. (1) Licensed individuals may expand their Statement of Intent to practice psychology in the State of Arkansas through continuing education, or academic training, plus further supervised practice, or as otherwise permitted by law or rule.

6.3. D. (2) Supervision of those who wish to expand their Statement of Intent must meet all general requirements of supervision as set forth in these Rules (Section 6.3. C.).

6.3. D. (3) Credentialing for expansion of the Statement of Intent to practice psychology must meet the credentialing requirements as established by the Board which are set for in the application process (Section 5).

6.3. E. Supervision of Technicians: The Psychologist shall employ the guidelines for supervision outlined in A.C.A. §17-97-401 et seq in supervision of persons employed as Technicians. Failure to follow said guidelines in supervisory activities shall be considered a violation.

6.3.E. (1) Psychologists supervising Technicians shall submit a Supervision Report for each Technician employed each year with the renewal of the Technician's registration in the form and format prescribed by the Board including, but not limited to, the following minimal requirements:

- (1) A list of specific job duties of the Technician

- (2) Annual Performance Evaluation of the Technician
- (3) Evidence of one (1) hour Ethics training
- (4) A statement as to the level of Supervisory contact including frequency and time.
- (5) A list of training received by the Technician during the past year.

#### **6.4. Board Review.**

Failure of the supervisee or supervisor in the supervisory relationship to comply with these requirements and responsibilities shall be subject to Board review and possible disciplinary action pursuant to A.C.A. § 17-97-310.

### **SECTION 7. PRACTICE WITHOUT LICENSE PROHIBITED.**

#### **7.1 General.**

When the Board is made aware of a violation or possible violation of Section A.C.A. §17-97-301 or § 17-97-307, a registered letter with a return receipt requested shall be mailed to the individual in question, calling to his/her attention the pertinent aspects of the law and the Rules of the Board. In addition to the letter, the information shall be forwarded to the appropriate law enforcement authorities for legal action upon an affirmative vote for referral by the Board. Upon conviction he/she shall be fined not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000).

#### **7.2. Students.**

Psychology students, psychological interns, and others preparing for the profession of psychology shall use titles that clearly indicate their training status such as "Psychology Intern." Psychology students, psychological interns and others preparing for the profession of psychology are defined as those who are rendering services as part of their training in an integrated, organized sequence of graduate level course work.

#### **7.3. Provisional Licensure**

7.3.A. Applicants have up to an eighteen (18) month grace period to practice psychology under qualified supervision beginning with notification of provisional

licensure status. The period allows an applicant to complete the written and oral examinations and obtain licensure, while involved in supervised practice in the profession of psychology. The provisional licensure status shall not be renewed beyond a period of three (3) years. Any provisionally licensed applicant who does not pass the examination within three (3) years may not continue to practice psychology under supervision. Any individual who continues to practice psychology beyond the approved three (3) year period, is in violation of A.C.A. § 17-97-101, et seq. and may be subject to appropriate legal action.

7.3.B. A provisional license issued to a psychology intern participating in an American Psychological Association (APA)-accredited pre-doctoral internship program shall only be valid while the intern is an active participant in the program.

#### **7.4. Provisional License.**

The Board shall issue a provisional license to an applicant who has:

7.4. A. Satisfied the preliminary requirements of A.C.A. §17-97-302 and §17-97-303; and

7.4. B. Paid the fee for a provisional license. A provisional license holder is entitled to practice psychology under supervision of a Psychologist to meet the requirements for issuance of a license under A.C.A §17-97-305. The Board shall adopt rules that apply to provisional license holders identifying:

7.4. B. (1) The activities that holders may engage in; and

7.4. B. (2) Services that may be provided by holders.

7.4. C. The Board may refuse to renew the provisional license of a person who does not meet the requirements prescribed by A.C.A. § 17-97-302 or 1797-303.

7.4. D. The Board shall not renew the provisional license of a person beyond a period of three (3) years.

7.4. E. The Board shall not renew the provisional license issued to a psychological intern participating in an American Psychological Association accredited internship program upon completion or termination of the intern's participation in the program.

7.4. E. (1) Time spent as a provisional licensee under Section 7.4. E. shall not count toward the three (3) year period to practice as a postdoctoral provisional licensee referenced in Section 7.4. D.

## **7.5. Provisional License Application.**

7.5. A. An applicant for a provisional license must:

7.5. A. (1) Apply on forms prescribed by the Board; and

7.5. A. (2) Submit the required fees with the application.

7.5. A. (3) The Board may require that the applicant verify the application.

7.5. B. Provisional license qualifications:

7.5. B. (1) An applicant may be granted a provisional license if the applicant has received:

7.5. B. (1) (i) A doctoral degree in psychology from a regionally accredited educational institution; or

7.5. B. (1) (ii) A doctoral degree in psychology, or the substantial equivalent of a doctoral/master's degree in psychology in both subject matter and extent of training from a regionally accredited educational institution;

7.5 B. (1) (iii) acceptance into an APA-accredited pre-doctoral internship program.

7.5. B (1) (iii) (a) A psychology intern seeking licensure under Section 7.5 B.(1)(iii) must provide the Board a letter from the internship program director confirming their acceptance into the program.

7.5. B. (2) Has attained the age of majority;

7.5. B. (3) Is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the Board.



7.5. B. (4) Is not afflicted with a mental or physical disease or condition that would impair the applicant's competency to provide psychological services;

7.5. B. (5) Has not been convicted of a felony listed under A.C.A § 173-102(a)..

7.5. B. (6) Does not use drugs or alcohol to an extent that affects the applicant's professional competency;

7.5. B. (7) Has not engaged in fraud or deceit in making the application; and 7.5. B. (8) Has not:

7.5. B. (8) (i) Aided or abetted the practice of psychology by a person not licensed under these Rules in representing that the person is licensed under these Rules;

7.5. B. (8) (ii) Represented that the applicant is licensed under this chapter to practice psychology when the applicant is not licensed; or

7.5. B. (8) (iii) Practiced psychology in this state without a license under this chapter or without being exempt under this chapter.

7.5. C. In determining under A.C.A § 17-97-302(b)(1)(B) whether a degree is substantially equivalent to a doctoral degree in psychology, the Board shall consider whether at the time the degree was conferred, the program met the prevailing standards for training in the area of psychology, including standards for training the clinical, school and industrial counseling.

## **7.6. Employment of Individuals Not Licensed by this Board.**

7.6. A. Individuals Licensed in Another Profession.

Psychologists/Psychological Examiners may employ or utilize individuals who are licensed members of another profession to provide only activities or services permitted by the applicable license or licenses held by that individual. These services and activities may not be described or represented to the patient or client as psychological services and the individual must be clearly identified to the patient or client as a licensee of the applicable profession who is providing services pursuant to that individual's license.

7.6. B. Unlicensed, Non-Exempt Individuals. Psychologists/Psychological Examiners may employ unlicensed, non-exempt individuals to perform services which do not constitute the practice of psychology or the activities and services of another licensed profession as specified in A.C.A. §§17-97-102 and 17-97-103. Such duties of employment may include:

7.6. B. (1) Secretarial and other clerical duties.

7.6. B. (2) Non-psychometric data gathering.

### **7.7. Employment of Technicians.**

7.7. A. General Terms and Definitions. A “Qualified Psychologist for the purpose of the registration of Technicians” shall be a doctoral level Psychologist licensed by the Board to practice in the area of neuropsychology having supervision privileges also approved by the Board.

7.7. A. (1) The Arkansas Psychology Board shall maintain and update a Registry of all Technicians and Psychologists who use Technicians. All Technicians shall be registered with the Arkansas Psychology Board and function under the license of a qualified supervising Psychologist in the practice of neuropsychology per Board-approved statement of intent. It is the intent of these rules to register with the Board all those individuals who function as paraprofessional Technicians to assist with data gathering for purposes of neuropsychological testing. Act 1262 of 2005 restricts the use of Technicians to neuropsychological evaluations under the supervision of qualified and licensed Psychologists.

7.7. A. (2) The supervising Psychologist is legally responsible for all work performed by the Technician. A Psychologist, who is not authorized to supervise and perform neuropsychological testing, as determined by the Arkansas Psychology Board, shall not be considered qualified or permitted to register or supervise Technicians

7.7. A. (3) A person shall be identified to the public as a “Technician” only when he or she is duly registered and supervised by a licensed Psychologist who has been authorized by the Board to provide Neuropsychological services. The registered status of the Technician is the responsibility of a qualified Psychologist, and is not the privilege of the individual identified as a Technician

7.7. A. (4) If a Psychologist supervises a Technician who previously was registered by another Psychologist, the current Psychologist must submit the appropriate registration with the Board to reflect the change in supervisors.

7.7. A. (5) In cases where a Technician is supervised by more than one qualified Psychologist then each Psychologist shall comply with all Registration and Supervision requirements.

7.7. A. (6) Technicians may be employed only by qualified supervising Psychologists in the practice of or by entities that have employed licensed Psychologists to provide neuropsychological services. Technicians may not be supervised by anyone other than a qualified supervising Psychologist.

7.7. A. (7) Individuals employed as Technicians may only be employed for neuropsychological testing and shall be restricted to the administration and scoring of standardized objective tests they have been trained to conduct.

7.7. A. (8) Individuals employed as Technicians may not administer or score projective tests.

7.7. B. Educational Requirements. College level educational coursework required of Technicians should be from an accredited institution with a recognized and organized program in psychology. All Technicians and supervising Psychologists shall meet the formal educational standards as required by A.C.A. §17-97-101, et. seq., including those requirements related to Technicians as contained in §17-97-401 which include:

7.7. B. (1) A bachelor's degree from a regionally accredited institution, preferably with a major in psychology.

7.7. B. (2) Passing grades in college courses in abnormal psychology, personality, psychological statistics, and psychological testing/tests and measurement. For purposes of this section of the Rules, the term "Psychological Testing" means, at a minimum, a course in Psychological Test and Measurement. A course in Individual Tests of Intelligence taught in an accredited undergraduate program is also acceptable.

7.7. B. (2) (a) For the purposes of these Rules a "passing grade" means a "C" in a letter grading system; a "Pass" in a

pass/fail system; or “Satisfactory” in a satisfactory/unsatisfactory grading system.

7.7. B. (3) Technicians who have completed degrees with non-psychology majors shall have completed passing grades in the coursework specified in 7.7.B (2).

7.7. B. (4) Technicians shall meet the educational requirements of A.C.A. § 17-97-401 and be registered with the Arkansas Psychology Board before engaging in testing services to the public.

7.7. B. (5) Individuals may not function as Technicians while completing required college courses.

7.7. C. Responsible Agent.

7.7. C. (1) The qualified Psychologist(s) under whose license the Technician functions shall register the Technician.

7.7. C. (2) Psychologists attempting to register who are judged by the Board to lack required coursework will be notified by the Board that the individual is not qualified and will not be registered until the individual meets the requirements contained in Act 1262 of 2005.

7.7. D. Training.

7.7. D. (1) The supervising Psychologist shall document the dates and setting in which additional and specific training of the Technician was provided.

7.7. D. (2) The supervising Psychologist shall list all procedures and tests on which the Technician has been trained, and include the date(s) the Technician was judged to be competent to administer and score those procedures and tests.

7.7. D. (3) The supervising Psychologist is responsible for providing the Board annual documentation that the Technician has completed at least one hour (1) of continuing education in professional/psychological ethics.

7.7. E. Confidentiality and Professional Obligations to the Public.

7.7. F. (1) The supervising Psychologist is responsible for maintaining confidentiality of all records consistent with A.C.A. §§ 17-97-101 et seq, the Rules of the Arkansas Psychology Board, Federal HIPPA requirements and the APA Code of Ethics.

#### 7.7. F. Registration Procedures

7.7. F. (1). Technicians must be registered with the Board on the appropriate form(s) supplied by the Board. All Technicians shall complete a criminal background check as described for licensed Psychologists and Psychological Examiners under A.C.A. § 17-97-102.

7.7. F. (1) (a) The use of non-registered Technicians is considered a violation of this law and the violating Psychologist shall be held accountable.

7.7. F. (1) (b) Failure to submit proper registration forms for any Technician before that Technician is allowed to work with the public shall constitute a violation of law and shall subject the supervising Psychologist to fines or other penalties imposed by the Board.

7.7. F. (2) First-time registration of each Technician will include submission of all documentation required by Act 1262 of 2005.

7.7. F. (3) Renewal of Registered Technicians shall occur annually simultaneous with the renewal of their qualified supervising Psychologist.

7.7. F. (4) Psychologists shall notify the Board in writing whenever he or she no longer supervises a Technician.

7.7. F. (5) Psychologists who were supervising Technicians at the time Act 1262 of 2005 became effective shall indicate on the registration form(s) whether the Technician(s) is/are being duly registered under provisions of the grandfathering clauses of the Act. Technicians(s) shall be eligible to be considered duly registered under the grandfathering clause of the Act only if they were trained and supervised by a qualified Psychologist prior to August 12, 2005. Persons who began their employment as a Technician after August 12, 2005 are not eligible to be grandfathered and must meet all educational requirements prescribed by the Act, specifically regarding the Criminal Background Checks.

7.7. F. (6) Licensed Psychologists who are not licensed to provide neuropsychological services shall not be permitted to register or supervise Technicians. Psychologists with supervisory credentials, but who are not licensed by the Board to provide neuropsychological services, may not submit the registration form(s) for Technicians as defined by these Rules.

## **SECTION 8. EXAMINATION OF APPLICANTS.**

### **8.1 General.**

Examination of applicants includes formal examination of academic, personal, and experience credentials and a written examination. This multilevel examination process is designed to screen applicants for the practice of psychology in the State of Arkansas so that the public is protected according to the law under which the Board functions. Furthermore, it assures that applicants for licensure in the profession of psychology meet the minimum standards for the professional practice of psychology.

### **8.2 Admission to the Examination.**

Any applicant whose credentials have been approved by the full Board, and who has paid the required examination fee, shall be admitted to the written examination.

### **8.3 Written Examination.**

Applicants are required to take the nationally recognized standardized professional practice examinations as developed by the Association of State and Provincial Psychology Boards (ASPPB) to assess the applicant's range of knowledge and skills as adopted by the Board. The purpose of the examination is to assess the applicant's range of knowledge of recognized psychological principles and techniques, and knowledge of the ethics of the profession of psychology. The Board retains the right to utilize additional examinations to allow applicants to demonstrate their range of understanding of principles, techniques, statutes, and ethical concerns which relate to the intended practice of psychology within the State of Arkansas.

8.3. A. Frequency of Examination. The written examination shall be offered no less than twice a year.

8.3. B. Notification of Results. The applicant shall be notified of the results of the examination, reflecting a "pass" or "failure to pass." Passing scores will be

set in accordance with the standards of the Association of State and Provisional Psychology Board (ASPPB).

8.3. B. (1) Failure to pass.

8.3. B. (1) (a) Petition for Extension of Provisional Licensure Status. An applicant who fails to pass the examination within eighteen (18) months of being granted provisional licensure status may submit a formal written request to the Board for an extension of provisional license status for an additional eighteen (18) months. The Board shall determine whether to grant or refuse this request.

8.3. B. (1)(b) If the applicant does not pass the examination by the end of the second eighteen (18) month period, the provisional license shall not be renewed by the Board, and the applicant may not continue to practice psychology under supervision.

8.3. B. (1)(b)(i) An individual whose provisional licensure eligibility has expired may petition the Board to retake the examination.

8.3. B. (1)(b)(ii) If the Board does grant the petition of an applicant listed in B. (1)(b)(ii), that does not make them eligible for any further extension of a provisional license.

#### **8.4. Applicants with Disabilities.**

The Board shall provide all reasonable accommodations to applicants with disabilities in all aspects of the application process consistent with the Americans with Disabilities Act.

### **SECTION 9. CONTINUING EDUCATION.**

#### **9.1. License Holders**

License holders must meet the following minimum continuing education (CE) requirements to renew their licenses to practice psychology in the State of Arkansas.

9.1. A. Each licensee must complete a minimum of twenty (20) hours of (CE) activity during each license renewal period, of which three (3) hours are to be ethics hours. The defined accrual period is July 1 through June 30 each year. CE hours shall not be obtained exclusively by home study or online means. For

this purpose, the Board allows licensees to distribute activities among the following:

9.1. A. (1). Professional activities relevant to the practice of psychology include:

9.1. A. (1) (a). Any educational experience approved by American Psychological Association (APA).

9.1. A. (1) (b). In-person or online training provided by a qualified professional from state and/or nationally recognized professional organization, i.e., the American Medical Association, the National Association of Social Workers, the American Counseling Association, etc.

9.1. A. (1) (c) In-service training programs related to the practice of psychology and having a demonstrable psychological content. In-services with psychological content that are given at the professional's place of employment may not account for more than ten (10) CE hours except where the place of employment is an accredited training program, i.e., APA accredited doctoral, internship, or post-doctoral fellowship programs.

9.1. A. (1) (d) Formal academic coursework of at least three credit hours related to the development or maintenance of skills related to the practice of psychology. Courses must be taken at a regionally accredited academic institution. Both undergraduate and graduate course work will be acceptable. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (e) Developing and teaching a new course at a regionally accredited academic institution. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (f) Publishing a peer-reviewed journal article, scholarly book, or research monograph in an area of behavioral science. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (g) Preparing and presenting a first-time poster, workshop, or in-service training at the local, state, or national



level. Activities in this category may not account for more than five (5) CE hours.

9.1. A. (1) (h) Attendance at Board meetings by licensees may account for up to one (1) ethics hour per meeting. Activities in this category may not account for more than five (5) CE hours.

9.1. A. (1) (i) Home study programs, i.e., from scholarly journals or books, that are approved by the American Psychological Association or other relevant professional organizations. Such programs must include an examination and provide a certificate of completion. Activities in this category may not account for more than ten (10) CE hours.

9.1. A. (1) (j) Volunteer hours accrued under the Arkansas Volunteer Health Care Act A.C.A 20-8-801, *et. seq.* Activities and hours limitations are to be governed by the provisions of the Act.

9.1. A. (3) Activities that are not acceptable for meeting the CE requirement include:

9.1. A. (3) (a) Supervision where required for routine licensure purposes.

9.1. A. (3) (b) Reading books or journal articles.

9.1 A (3) (c) Writing newsletters or non-peer-reviewed articles.

9.1. A. (3) (d) The Board reserves the right to determine whether any particular CE experience meets Board standards.

9.1. B. Reporting Requirements. It is the responsibility of the licensee to provide to the Board office, upon request, acceptable documentation of CE activities within thirty (30) calendar days. Acceptable documentation includes certificates of attendance, transcripts, and/or other official documentation.

9.1. C. The Board will conduct a random audit of licensees CE compliance each year. The Board may deny renewal or take other disciplinary action against a licensee who fails to obtain or document the required CE hours. The Board may discipline a licensee who commits fraud, deceit, or misrepresentation regarding reporting of CE hours.

If, upon the request of the Board, a licensee fails within thirty (30) calendar days of the request, to provide evidence of CE activity, a late fee of \$50 will be assessed for the first failure to provide the requested documentation of CE hours. Licensees who fail to provide valid documentation of CE may be subject to additional discipline by the Board.

9.1. D. A licensee who cannot meet the CE requirement, for good cause, may seek an extension of time to complete the CE requirement by submitting a written explanation of their circumstances and the license renewal fee to the Board, for determination.

9.1.D. 1. Good cause is limited to licensee illness, family illness, natural disaster, military service and/or residence in a foreign country for at least twelve (12) months of the license renewal period.

9.1.D. 2. The Board shall not grant a time extension longer than one (1) year, except in the case of extended military service..

## **9.2. Exception to the Requirement.**

9.2.A The CE requirement will be waived for licensees who have been licensed in the State of Arkansas less than one (1) calendar year on the due date (June 30).

9.2.B Persons with voluntarily inactive licenses shall not be required to accumulate CE during their period of inactivity. However, those persons wishing to re-activate their license must provide evidence of having completed twenty (20) CE hours during the previous license year.

## **SECTION 10. LICENSURE UNDER SPECIAL CONDITIONS.**

### **10.1. Acceptance of Written Examination Scores.**

If an applicant meets all requirements for application for licensure in the State of Arkansas, the Board shall accept scores for examinations administered elsewhere if the score meets or exceeds the cut-off point for the State of Arkansas at the time of the examination. It is the responsibility of the applicant to furnish the Board, via the State Board which administered the examination or other acceptable score registration agency, the form of the written examination, statistical data for the national mean and standard deviation, and the applicant's individual score on that examination.

### **10.2. Reciprocity.**

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Currently, most other jurisdictions that have reciprocity agreements with the Arkansas Board require one year of supervised postdoctoral experience. The Board will provide record keeping and documentation of this supervised postdoctoral experience for applicants interested in applying for license to practice in other jurisdictions. An applicant for a reciprocal license must apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check. The applicant must sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check. An applicant for whom the information from the Identification Bureau of the Arkansas State Police reveals that the applicant has pleaded guilty or nolo contendere to, or been found guilty of, any offense listed in A.C.A. § 17-3-102(a) shall not be eligible for licensure. A licensee deemed so ineligible may appeal this action through the process identified in Section 12.2.

### **10.3 Reciprocal Licensure for Uniformed Service Members, Veterans, and Their Spouses**

#### 10.3.A. Definitions.

10.3.A. (2) As used in this subsection, “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.

10.3.A. (2) As used in this subsection, “uniformed service veteran” means a former member of the United States Uniformed Services discharged from active duty under circumstances other than dishonorable.

10.3.B. The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:

10.3.B. (1) A uniformed service member stationed in the State of Arkansas;

10.3.B. (2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

10.3.B. (3) The spouse of:

(a) a person under Section 10.3.B. (1) or (2);

(b) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(c) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

10.3.C. The Board shall grant such automatic licensure upon receipt of all of the below:

10.3.C. (1) Payment of the initial licensure fee, unless waived by the Board;

10.3.C. (2) Evidence that the individual holds a license with a similar scope of practice in another state; and

10.3.C. (3) Evidence that the applicant is a qualified applicant under Section 10.3.B.(1), (2), or (3).

10.3.D. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

10.3.E. A full/partial exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

## **SECTION 11. SUSPENSION OR REVOCATION OF LICENSURE**

### **11.1. General.**

Individuals who have gained skills in the area and practice of psychology have a right to free trade within these United States, unless judged incapable of carrying on these practices. To that end, the Board utilizes a habilitation and rehabilitation approach to the judicial functions assigned to it by A.C.A. § 17-97-101, et seq.

## **11.2. Suspension.**

Should the Board suspend the license of an individual, that individual shall be given a specific period of time of license suspension. The Board shall establish with the individual, a plan of action that ensures ethical and professional principles shall not be violated in the individual's reestablished practice.

## **11.3. Refusal to License.**

Should the Board refuse to license any individual on the basis of any factors listed in A.C.A. § 17-97-101, et seq., a rehabilitation plan shall be developed and successful completion of the plan shall permit re-application. If refusal to license or register is based upon results of a criminal background check pursuant to A.C.A. § 17-3-102(a) or (e), the license or registration may be granted only upon waiver by the Board of the conviction.

## **11.4. Revocation.**

Should the Board revoke the license of any individual on the basis of factors listed in A.C.A. § 17-97-101, et seq., the individual may apply for reinstatement according to Section 5 of these Rules.

## **11.5. Alternate Discipline.**

In lieu of suspension or reprimand, the Board may issue a letter of reprimand and/or designate remedial action such as additional training, supervised experience or both.

## **11.6. Basis of Suspension, Refusal, Revocation, Fine, Letter of Reprimand or Additional Education - Grounds - Reinstatement.**

Pursuant to A.C.A. § 17-97-101, et seq., the Board may suspend, refuse, or revoke a license for a period to be determined by the Board, may impose a fine of up to five thousand dollars (\$5,000.); may issue a letter of reprimand; and/or may require additional hours of education of a licensee on the following grounds:

11.6. A. Fraud or deception were employed in applying for a license or in passing the examination(s) provided for in A.C.A. § 17-97-101, et seq.

11.6. B. Conviction of an offense as stated in A.C.A. § 17-97-302(a).

11.6. C. The practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name.

11.6. D. Substance abuse to such an extent as to incapacitate him/her from the performance of his/her duties.

11.6. E. Violation of Medical Practices Act, A.C.A. § 17-93-201, et seq.

11.6. F. Practice of a level of psychology inappropriate to the license held by the licentiate.

11.6. G. Negligent or wrongful actions in the performance of his/her duties such as, but not limited to, violation of standards of supervision or providing services outside of qualifications to practice.

11.6. H. Violations of the current ethical code.

11.6. I. Violations of A.C.A. § 17-97-101, et.seq, or the Rules of the Arkansas Psychology Board.

11.6. J. Disciplinary action taken by a Distant or Receiving State against an Arkansas Home State licensee under provisions of Psypact.

11.6. K. Revocation of the E.Passport under Psypact.

### **11.7. Revocation shall result in surrender of the licensee's certificate.**

### **11.8. Criminal Background Check Results**

If suspension, refusal to license or revocation is based upon the results of a criminal background check pursuant to A.C.A. §17-97-312(f) and 17-3-102 or other determination that the licensee has been convicted, plead guilty or nolo contendere to a disqualifying offense found at A.C.A. § 17-3-102(a) or (e) and said offense has not been expunged, sealed or pardoned, licensure may be granted or renewed only upon waiver by the Board of the disqualification under the provisions of Section 5.5.C. (2) of these Rules.

### **11.9. Public Dissemination.**

When a sanction ordered by the Board becomes final under the Administrative Procedures Act (A.C.A. § 25-15-101 et seq.), such information shall be publicly disseminated, including a posting on the Board's Newsletter or website. The posting shall include the licensee's name, a citation of the law(s) or statute(s) violated, a brief description of the findings of fact, and a description of the sanction.

Sanctions shall also be reported to the Psychological Interjurisdictional Compact Commission under the provisions of Psypact.

#### **11.10. Discipline Under Psypact.**

When practicing in Arkansas under either a Temporary Authorization to Practice Interjurisdictional Psychology or Authority to Practice Interjurisdictional Telepsychology, a psychologist from another Psypact member state is to abide by the laws and rules of this Board, including scope of practice. Violation of any law or rule may result in discipline by this Board against either the Temporary Authorization to Practice or Authority to Practice Interjurisdictional Telepsychology. Any disciplinary action taken shall be reported to both the Psychological Interjurisdictional Compact Commission and the psychologist's home state licensing authority.

#### **11.11. Arkansas Licensees Practicing in Distant or Receiving States Under Psypact.**

An Arkansas licensee practicing in another state under Psypact's Temporary Authority to Practice Interjurisdictional Psychology to Practice Interjurisdictional Telepsychology shall be subject to that state's laws and rules, including scope of practice. Any disciplinary action taken by a Distant or Receiving State against an Arkansas licensee shall be reported to this Board and may result in additional discipline.

### **SECTION 12. SUSPENSION, REFUSAL, OR REVOCATION OF LICENSE: JUDICIAL REVIEW**

#### **12.1. Complaint/Ethics Investigations**

12.1. A. Any Complaint/Ethics Investigator, whether a Board member, Board employee, or independent contractor, appointed by the Board to conduct an investigation of a particular complaint, shall be free of any prejudicial conflict of interest relating to the complainant, the respondent, and/or the subject matter of the complaint in order to foster unbiased, impartial data gathering

and recommendations making. Should a prejudicial conflict exist or arise for the investigator that would adversely impact fairness of the investigation process, he/she shall recuse from the case or matter unless the parties should mutually waive that recusal option and permit the investigator to continue pursuit of the investigation. In the event of an investigator's recusal, the Board or its designee will then appoint an alternate investigator for that matter or case. The existence of a conflict may be raised by the investigator, any Board member, administrative staff, and/or any party to the complaint or matter needing investigation. Should a dispute arise regarding the validity of a conflict allegation and/or its prejudicial character requiring a recusal, the members of the Board's Complaints Committee, excepting the investigator with the alleged conflict, shall by majority vote make that determination, with any "tie" in that determination procedure resulting in that determination being referred to the Board for resolution.

12.1. B. Unless otherwise waived by a potential respondent, any respondent who is licensed by the Board or is an applicant for licensure is entitled to expect that the allegations and facts of the complaint or investigated matter are subject to review by at least one member of the Complaints/Ethics Committee or its selected consultant who possesses qualifications and/or experience that is substantially comparable to, or greater than, that of the investigated respondent. It shall be presumed that a Psychologist respondent would necessitate another Psychologist to serve in that reviewing capacity, while a Psychological Examiner would require either a Psychologist or Psychological Examiner in that role. It is further assumed that, due to the generic nature of the Board's licenses (i.e., without specialty licenses), any licensed Psychologist can serve that requirement of a reviewing role as being in possession of qualification and/or experience comparable to that of the typical respondent unless the nature of the complaint's allegations clearly and convincingly raise an issue that a unique and highly specialized body of knowledge and/or practice or procedure is involved in the matter and therefore the matter or complaint requires a reviewing professional to possess even a greater degree of comparability in qualification and/or experience to that of the respondent. It shall be the Complaints/Ethics Committee's responsibility to determine the existence of that required substantial comparability of at least one reviewing member or consultant.

## **12.2. Procedures for Judicial Review.**

Procedures for judicial review shall be in accordance with the Administrative Procedure Act (A.C.A. § 25-15-101, et seq.)

## **12.3. Notice of Charges.**



The Board may not recommend suspension or revocation of licensure or refuse to issue or to renew any certificate for any cause listed herein, or any other penalty described in A.C.A. § 17-97-310 affecting a certificate or license until the person accused has been given at least 20 days notice in writing by registered mail, with a return receipt requested, of the charges against him/her and an opportunity for a public hearing by the Board has been held. The written notice shall be mailed to the person's last known address. Non-appearance of the person shall not prevent the hearing.

#### **12.4. Issuance of Subpoenas.**

In the event of a public hearing, the Board may administer oaths and procure by its subpoenas the attendance of witnesses and the production of relevant documents.

#### **12.5. Judicial Review.**

Any action of, or ruling or order made or entered by, the Board declining to issue a certificate, declining to recommend licensure, or recommending suspension, revocation of or other penalty described in A.C.A. § 17-97-310 which affects a certificate or license shall be subject to review pursuant to the Administrative Procedures Act, A.C.A. § 25-15-201 et seq.

### **SECTION 13. FEES**

#### **13.1. License Fee.**

License fees shall be set by the Board and shall reflect actual and projected costs of the administration of the Board. All fees are subject to change, and shall never be retroactive.

#### **13.2 Application Fee.**

The Board shall charge a \$200.00 application fee of any applicant for licensure.

This fee shall be paid in advance for an applicant to receive the application package.

13.2.A. Application fees for the following individuals may be waived at the discretion of the Board:

1. An active duty military service member stationed in the State of Arkansas;
2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or
3. The spouse of a person under Section 13.2.A.1. or 2.

13.2.B. The Board shall waive the application fee if the applicant:

1. Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
2. Was approved for unemployment within the last twelve (12) months; or
3. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

### **13.3. Registration Fee.**

The Board shall charge a license registration fee of \$200.00 plus a pro-rated annual license fee for all individuals approved for licensure. The fee must be received by the Board prior to date of licensure.

### **13.4. Provisional License Fee.**

The Board shall charge a \$100.00 fee for six (6) months or less of supervised practice as a provisional licensure applicant. This fee is renewable consistent with extensions of time for practice and is due upon approval by the Board.

13.4. A. The Board shall charge a late fee of \$50.00 for late payment for renewal of a Provisional License.

### **13.5. Annual License Renewal Fee.**

The Board shall charge an annual License Renewal Fee of up to \$300.00 per A.C.A. § 17-97-309(c). The amount will be regulated by the Board in accordance with budgetary needs. There shall be no pro-rated renewal fees.

### **13.6. Delinquent Payment of License Renewal Fee.**

The Board shall charge an additional \$100.00 fee for delinquent license renewal. This fee is due prior to renewal of license to practice psychology.

### **13.7. Inactive Status.**

The Board shall charge a fee of one half the current renewal fee to place a license on Inactive Status. In the event the license is reactivated, twenty (20) CE hours from the previous year must be submitted to the Board proving the licensee has kept up with current standards. The Board will consider the circumstances of the licensee's inactive status at the time of reinstatement to full licensure.

### **13.8. Administrative Fees.**

The Board shall charge the following administrative fees which are considered necessary in the performance of the Board's duties:

13.8. A. Photocopying, per page	\$ 1.00
13.8. B. Service Charge on Returned Check	\$ 20.00
13.8. C. Replacement of Returned Check	\$ 20.00
13.8. D. Delinquent CE Penalty	\$ 50.00

## **SECTION 14. ANNUAL RENEWAL.**

### **14.1. Renewal Fee.**

An annual renewal fee shall be set by the Board. This fee is subject to change.

### **14.2. Annual Renewal.**

The Board has established that annual renewal fees and application for renewal for license are due on or before July 1 of each calendar year. Should the annual renewal time be changed, such change will be consistent with the requirements of the Administrative Procedures Act.

- 14.2. A. Application for annual renewal of the license of a Psychologist or Psychological Examiner will not be considered if the applicant has not

supplied forty (40) hours of continuing education for the previous biennium (twenty-four [24] months).

14.2. B. All programs of continuing education for licensees shall be subject to approval of the Board. The Board is authorized to prescribe by rule the minimum standards and requirements for continuing education programs for licensees, the procedures and policies for administering such programs, and the manner and conditions under which credit will be granted for participation in such programs.

### **14.3. Criminal History Check.**

A licensee or registrant whose criminal history check from the Identification Bureau of the Arkansas State Police reveals that the applicant has pleaded guilty or nolo contendere to or been found guilty of any offense listed in A.C.A. § 17-3-102(a) or (e) shall not be eligible for renewal unless the reported offense has been expunged, sealed, or pardoned. A licensee or registrant may apply to the Board for a waiver of disqualification pursuant to Section 5.5.C (2) of these Rules for the conviction of any listed offense. A licensee deemed so ineligible may appeal this action through the process identified in Section 12.2.

### **14.4. Penalty/Reinstatement.**

Failure to apply for and pay the license renewal fee by July 1 shall result in suspension of the license as long as the application and fee are delinquent. Reinstatement of suspended license shall automatically occur at the time the registration fee plus the delinquent renewal fee (Section 13.7) are paid.

### **14.5. Revocation of License.**

If any licentiate fails for three (3) consecutive years to pay the fee, then it shall be the duty of the Board without hearing or notice cancel his or her license, subject to reinstatement. If application for reinstatement is made, the Board shall consider the moral character and professional qualifications of the applicant as in the case of an original application.

## **SECTION 15. PRIVILEGED COMMUNICATIONS.**

### **15.1. Confidentiality.**

Relations and communications between a licensed Psychologist or Psychological Examiner and the client are considered to be confidential on the same basis as

those provided by law between attorney and client and are not to be disclosed except as required by law.

## **15.2. Privileged Communication.**

Nothing in these Rules shall be construed to require any privileged communication to be disclosed.

## **SECTION 16. CODE OF ETHICS.**

**16.1.** The Arkansas Psychology Board adopts the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association as part of these Rules. The principles shall constitute one standard by which appropriate professional practices are determined.

## **SECTION 17. SEVERABLE PROVISIONS OF THESE RULES.**

**17.1.** Each and every Rule contained herein shall be construed as severable from each other Rule and the lack of constitutionality of any part, as determined by a court of this State, shall not invalidate any other part.

**17.2.** The Board shall have authority to rectify any error of interpretation, judgment, decision, or policy which fails to adhere to A.C.A. § 17-97-101, et seq. or to the Rules of the Board without invalidating any other portion of the Rules.

**17.3.** In the case of Board error, any licensee affected because of that error shall be notified and appropriate action taken by the Board.

**17.4.** Any rule or policy of the Board which is found to be in error, shall be immediately corrected, and notification of just cause shall be given to the appropriate governmental body requesting that the Rule be invalidated, and an appropriate Rule substituted in accordance with the Administrative Procedure Act.

## **SECTION 18. INTENTION.**

**18.1.** It is intended that the provisions of these Rules be in accordance with and consistent with the Medical Practices Act.

## **SECTION 19. TELEPSYCHOLOGY**

**19.1 Minimum standards for establishing psychologist/psychological examiner-patient/client relationships.**

A psychologist/psychological examiner exhibits gross negligence if he provides and/or recommends any form of treatment/service, without first establishing a proper psychologist/psychological examiner-patient/client relationship.

19.1.A. For purposes of this rule, a proper psychologist/psychological examiner-patient/client relationship, at a minimum requires that:

19.1.A. (1) The psychologist/psychological examiner performs a history and an “in person” interview of the patient/client adequate to establish a diagnosis and identify underlying conditions and/or contraindications to the treatment/service recommended/provided, OR

19.1.A. (2) The psychologist/psychological examiner has access to a patient/client’s personal health record, as defined by A.C.A. §17-80-401 et seq., maintained by a psychologist/psychological examiner and uses any technology deemed appropriate by the psychologist/psychological examiner, including the telephone, with a patient/client located in Arkansas to diagnose or treat the patient/client; OR

19.1.A. (3) The psychologist/psychological examiner personally knows the patient/client and the patient/client's general health status through an “ongoing” personal or professional relationship;

19.1.A. (2) Appropriate follow-up be provided or arranged, when necessary, at necessary intervals.

19.1.B. For the purposes of this rule, a proper psychologist/psychological examiner-patient/client relationship is deemed to exist in the following situations:

19.1.B. (1) When treatment/service is provided in consultation with, or upon referral by, another provider who has an ongoing relationship with the patient/client, and who has agreed to supervise the patient/client's treatment/service, including follow up care.

19.1.B. (2) On-call or cross-coverage situations arranged by the patient/client's treating psychologist/psychological examiner.

19.1.C. Exceptions -- Recognizing a psychologist/psychological examiner's duty to adhere to the applicable standard of care, the following situations are hereby excluded from the requirement of this rule:

1. Emergency situations where the life or health of the patient/client is in danger or imminent danger.
2. Simply providing information of a generic nature not meant to be specific to an individual patient/client.

## **19.2 Requirement for All Services Provided by Providers using Telepsychology**

19.2.A. A Patient/client/Provider relationship must be established in accordance with A.C.A. § 17-84-401, *et. seq.* and Rule § 19.1 before the delivery of services via telepsychology. Provider is defined as a person licensed by the Arkansas Psychology Board who has documented training in telepsychology. A patient/client completing a history online and forwarding it to a Provider is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.

19.2.B. The following requirements apply to all services provided by Providers using telepsychology:

19.2.B. (1) The practice of psychology via telepsychology shall be held to the same standards of care as traditional in-person encounters.

19.2.B. (2) The Provider must obtain a detailed explanation of the patient/client's complaint from the patient/client or the patient/client's treating Provider.

19.2.B. (3) If a decision is made to provide treatment/service, the Provider must agree to accept responsibility for the care of the patient/client.

19.2.B. (4) If follow-up care is indicated, the Provider must agree to provide or arrange for such follow-up care.

19.2.B. (5) The Provider must keep a documented record, including history.

19.2.B. (6) At the patient/client's request, the Provider must make available to the patient/client an electronic or hardcopy version of the patient/client's record documenting the encounter. Additionally, unless the patient/client declines to consent, the Provider must forward a copy of the record of the encounter to the patient/client's regular treating Provider if that Provider is not the same one delivering the service via telepsychology.

19.2.B. (7) Services must be delivered in a transparent manner with proper informed consent, including providing access to information

identifying the Provider in advance of the encounter, with licensure and board certifications, as well as patient/client financial responsibilities.

19.2.B. (8) If the patient/client, at the recommendation of the Provider, needs to be seen in person for their current issue, the Provider must arrange to see the patient/client in person or direct the patient/client to their regular treating Provider or other appropriate provider if the patient/client does not have a treating Provider. Such recommendation shall be documented in the patient/client's record.

19.2.B. (9) Providers who deliver services through telepsychology must establish protocols for referrals for emergency services.

19.2.B. (10) All Providers providing care via telepsychology to a patient/client located within the State of Arkansas shall:

19.2.B. (10)(a) be licensed to practice psychology in the State of Arkansas; or

19.2.B. (10)(b) be licensed in a Psypact member state and follow all requirements to practice under Psypact's Authority to Practice Interjurisdictional Telepsychology.

19.2.B. (11) Psychologists and Psychological Exainers may use telepsychology to provide group therapy. Telepsychology may not be used for group therapy provided to a child who is eighteen (18) years of age or younger.

Adopted May 2, 2022