

ARKANSAS PSYCHOLOGY BOARD
RULES ~~AND REGULATIONS~~
~~2009~~ 20192020

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ARKANSAS PSYCHOLOGY BOARD
RULES ~~AND REGULATIONS~~
~~2009~~ 2019 2020

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.

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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 ~~and Regulations~~.

1.3. E. Directory. The Board shall ~~publish~~ 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 ~~and Regulations~~.

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 ~~and Regulations~~ 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. Newsletter. Persons licensed by this Board shall receive, at least annually, a Newsletter that informs of state and national licensure and~~

regulatory issues.

1.3. ~~G-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 ~~to be published in the ABEP Newsletter.~~

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 ~~regulations~~ 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. § 17-97-10~~23~~, 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 ~~and Regulations~~ (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 and Regulations:

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.

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.

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 and Regulations.

Rules and Regulations 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 Regulations~~ 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 ~~WITH INDEPENDENT PRACTICE PRIVILEGES.~~

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 ~~Licensed Psychological Examiner (LPE) whose license was issued by this Board prior to 12/31/2013~~ 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 ~~and Regulations~~.

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 ~~and Regulations~~.

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 in the Department of Psychology. ~~If taught in a department other than the Department of Psychology, the course~~ Course work must have been taught by a qualified Psychologist. A "qualified Psychologist" is defined in Section 2.2.A. of the Rules ~~and Regulations~~.

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. Internship. To become licensed as a Psychologist in Arkansas, a minimum of two (2) years of qualified experience is required, one of which must be post-doctoral. The following training experience is initiated after a minimum of two (2) years of graduate study: 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. An pre-doctoral internship program that is accredited by the American 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 training 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 agency 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 State Board of Examiners in Arkansas Psychology Board or the proper psychological licensing entity, if participating in an internship in another state.

5.4. F. (2) (c) The internship agency 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 State Board of Examiners in 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 agency program or by an affiliate of that agency 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 at least 25 percent of the intern's time must be of the program working in direct patient contact (minimum 375 500 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 agency program must make available to prospective interns a written statement or (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 experience 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 agency 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 training-experience 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. At least one year Two thousand (2000) hours of ~~postdoctoral~~-supervised postdoctoral experience is required.

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

~~5.4. H. (1)(a) This experience must be~~ 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) The postdoctoral experience must be~~ Be full- time (40 hours per week) for at least one calendar year (50 weeks), ~~or a total of 2000 hours of appropriate experience, or equivalent, within a period not to exceed four (4) years.~~ 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) The postdoctoral experience must be~~ 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. (~~12~~) The supervisee must ~~receive and~~ 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. (~~23~~) 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. (~~23~~) (a) Teaching of psychology at a recognized academic institution or training program ~~limiting the use of teaching time towards accruing the post-doctoral hours to 50%~~

~~of the total unless the teaching is by a clinical professor in a clinical setting.~~

5.4. H. (23) (b) Research in psychology.

~~5.4. H. (2) (c) Psychological assessment.~~

~~5.4. H. (2) (d) Psychological therapy.~~

5.4. H. (23) (ec) Consultation in psychology

5.4. H. (23) (fd) 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 § 17-97-102.

~~5.4. H. (3) Applicants for licensure as a Psychologist may be considered for provisional licensure applicant status during their one-year, postdoctoral supervised experience. Provisional Licensure Applicant Status may be extended beyond one year at the discretion of the Board.~~

~~5.4. H. (3) (a) Applicants shall be considered a provisional licensure applicant when all other criteria of Section 5.5 are met.~~

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;

~~5.4. I. (3) Passed the Arkansas Oral Examination; and~~

5.4. I. (4 ~~3~~) Tendered the appropriate application and fees as required under this chapter or the Rules ~~and Regulations~~ 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 ~~whose application is received on or after October 1, 1997,~~ 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. ~~Any applicant for licensure or Technician to be registered who has plead guilty, nolo contendere, or been found guilty of a permanently disqualifying offense shall not be eligible for licensure. Permanently disqualifying offenses are found at A.C.A. § 97-17-312 (m) (2) and include:~~

- ~~(A) Capital murder, as prohibited in A.C.A. § 5-10-101~~
- ~~(B) Murder in the first degree and murder in the second degree, as prohibited in A.C.A. §§ 5-10-102 and 5-10-103~~
- ~~(C) Kidnapping, as prohibited in A.C.A. §5-11-102~~
- ~~(D) Rape, as prohibited in A.C.A. §5-14-103~~
- ~~(E) Sexual assault in the first degree and second degree, as prohibited in A.C.A. §§ 5-14-124 and 5-14-125~~
- ~~(F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor, as prohibited in A.C.A. §§ 5-27-203 and 5-27-204~~

- ~~(G) Incest, as prohibited in A.C.A. § 5-26-202~~
- ~~(H) Arson, as prohibited in A.C.A. § 5-38-301~~
- ~~(I) Endangering the welfare of an incompetent person in the first degree, as prohibited in A.C.A. § 5-27-201~~
- ~~(J) Adult abuse that constitutes a felony, as prohibited in A.C.A. § 5-28-103.~~

~~Any applicant for licensure who has plead guilty, nolo contendere, or been found guilty of a disqualifying offense listed in A.C.A. 97-17-312(f), and not permanently disqualified, shall not be eligible for licensure unless the conviction has been expunged or waiver of the disqualification has been granted by the Board.~~

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 pre-licensure 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), except those permanently disqualifying offenses found in subsection (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 ~~Credentials Review Committee~~ 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. ~~For courses taught outside a Department of Psychology, the instructor's credentials must be verified as per Section 2.2. A. of the Rules and Regulations.~~

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 ~~regulations~~ 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 ~~Credentials Review Committee (CRC) 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. § ~~17-97-312 (f)~~ 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.

5.6. 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 ~~and regulations~~ of the Board. The Board has determined that ~~the States who have entered into the Association of State and Provincial Psychology Boards' Agreement of Reciprocity, pursuant to the criteria in effect on June 1, 1999, have requirements for licensure at the doctoral level, which are equal to, or exceed, the requirements for a license in Arkansas. It has also been determined~~ 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-~~312 (f)~~102(a) and Rule 10.~~5-2~~ on the same basis as other licensees, including actions taken in another jurisdiction.

5.6. B. Individuals desiring to apply for licensure, ~~at the doctoral level,~~ pursuant to this provision (Regulation Rule 5.6) who have been licensed for at least five (5) years in a state which has entered into ~~the Association of State and Provincial Psychology Boards' "Agreement of Reciprocity" or,~~ 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 an ~~"Agreement of Reciprocity,"~~ "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. 17-97-312 (f) 102(a) within the preceding five (5) years, or have the Board waive the same pursuant to A.C.A. 17-97-312 (h) ~~(1)~~ 102(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 (Regulation Rule 5.6) who are not licensed in a state that has entered into the ~~ASPPB's Agreement of Reciprocity~~, 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 ~~Regulation~~ 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. ~~In the event such a determination is made, the applicant is subject to being licensed without the necessity of an oral examination.~~ 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) ~~One-time case-e~~Consultation, with prior Board ~~approval notification, on one case per year (maximum of thirty (30) days per calendar year), to a maximum of 60 days per calendar year.~~ The Psychologist must notify the Board if it exceeds ~~20~~ 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. The one-time licensed individual from another jurisdiction must notify the Board at the time, or in advance if possible, of any such consultation.~~

SECTION 6. SUPERVISION

6.1. Applications.

Qualified supervision is required for those individuals who:

6.1. A. ~~(1) Are provisional licensure applicants who~~ 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.A.(2) Are postdoctoral fellows who have been approved by the Board for the practice of psychology under qualified supervision.~~

6.1. B. Are ~~in the process of acquiring supervised experience which has been approved by the Board to meet the internship requirements for licensure as a Psychologist provisionally licensed by the Board as a psychology intern participating in an American Psychological Association-accredited pre-doctoral 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 ~~Psychological Examiner~~ 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 Psychological Examiner's supervisee's work in each case. (The Board does not require co-signature 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 ~~and Regulations~~ 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 ~~and Regulations~~) shall be supervised in any and all practice of the profession of

psychology, in keeping with the regulations 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 ~~except that students, participating in a pre-doctorial internship training program that has entered into an agreement with the Arkansas Department of Human Services (DHS) enabling such student's provision of psychological services to be billed and reimbursed by Medicaid, shall be required to have a "Certificate of Approved Supervision during Pre-Doctoral Internship" submitted and approved by the Board prior to beginning service provision within the program 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 ~~provisional licensure applicant~~ 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 supervised provisional licensure status.

6.3. C. (3) Users of the applicant's 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 applicant 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 Oral Review/Examination. These reports will be reviewed by ~~the~~ Credentials Review Committee of the Board. Review responses shall be given to the supervisor and the supervisee as necessary to assure the Rules ~~and Regulations~~ 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 ~~regulation 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 ~~and Regulations~~ (Section 6.3. C.).

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

6.3. E. Supervision of Technicians: The Psychologist shall employ ~~ASPPB Supervision Guidelines and~~ 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 ~~and Regulations~~ of the Board. If the individual

continues the verified illegal practice, the information shall be forwarded to the appropriate law enforcement authorities for legal action. 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. ~~Temporary Permit or License~~ Provisional Licensure.

7.3.A. Applicants have up to an ~~twelve (12)~~ eighteen (18) month grace period to practice psychology under qualified supervision beginning with notification of provisional licensure ~~applicant~~ status. The ~~grace~~ 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 ~~applicant individual~~ who ~~does not become licensed and~~ continues to practice psychology beyond the approved grace ~~three (3) year~~ period, ~~shall be notified that the practice 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 17-97-303.

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 post-doctoral provisional licensee referenced in Section 7.4. D.

7.5. Provisional License Application.

7.5. A. An applicant ~~for examination~~ 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 ~~examination~~ 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/~~master's~~ degree in psychology from a regionally accredited educational institution; or

7.5. B. (1) (ii) A doctoral/~~master's~~ 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) Has good moral character;~~

7.5. B. ~~(4)~~ (3) Is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the Board.

7.5. B. ~~(5)~~ (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. ~~(6)~~ (5) Has not been convicted of ~~a crime involving moral turpitude or~~ a felony listed under A.C.A § 17-3-102(a).

7.5. B. ~~(7)~~ (6) Does not use drugs or alcohol to an extent that affects the applicant's professional competency;

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

7.5. B. ~~(9)~~ (8) Has not:

7.5. B. ~~(9)~~ (8) (i) Aided or abetted the practice of psychology by a person not licensed under these Rules ~~and Regulations~~ in representing that the person is licensed under these Rules ~~and Regulations~~;

7.5. B. ~~(9)~~ (8) (ii) Represented that the applicant is licensed under this chapter to practice psychology when the applicant is not licensed; or

7.5. B. ~~(9)~~ (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/~~master's~~ 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 ~~licensed by this Board~~ 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 ~~doctoral level~~ 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 ~~and Regulations~~, 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 ~~and Regulations~~ 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) Individuals employed as Technicians as of August 12, 2005 who do not have the academic background required by Act 1262 of 2005 shall be provided with specific information by the qualified supervising Psychologist to supplement their training in neuropsychological testing administration. The supervising Psychologist seeking to register the Technician shall sign an affidavit attesting to the qualification of the individual sought to be registered as a Technician and any additional information or training to be provided to the Technician, as necessary, to be registered. Pursuant to Section 7.7. D., it is the responsibility of the supervising Psychologist to insure that the Technician receives and completes any training requirement. Completion of any necessary supplemental training will be documented upon the first renewal of the Technician's registration.~~

7.7. B. (54) Technicians ~~employed after August 12, 2005~~ 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. (65) 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 Technicians ~~employed after August 12, 2005~~ 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. ~~FE~~. 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 ~~and Regulations~~ of the Arkansas Psychology Board, Federal HIPPA requirements and the APA Code of Ethics.

7.7. ~~GE~~. Registration Procedures

7.7. ~~GE~~. (1). Technicians must be registered with the Board on the appropriate form(s) supplied by the Board. ~~Registration of Technicians employed on or before August 12, 2005 shall not be subject to the academic requirements of Technicians employed after August 12, 2005 except as set forth in Section 7.7. B. (4). All Technicians shall complete a criminal background check as described for licensed Psychologists and Psychological Examiners under A.C.A. § 17-97-342102. A grace period of 90 days will begin for the registration of Technicians employed and supervised by qualified supervising Psychologists as of the effective date of Act 1262 of 2005 (August 12, 2005) or the effective date of these Rules and Regulations, whichever comes later. A provisional registration will be authorized for Technicians employed on or before August 12, 2005 pending the receipt of the results of the Criminal Background Check.~~

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

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

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

7.7. ~~GF~~. (5) Psychologists who ~~are~~ were supervising Technicians at the time Act 1262 of 2005 ~~becomes~~ 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. ~~Currently supervised~~ 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 ~~begin~~ 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. ~~GF~~. (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 ~~and Regulations~~.

SECTION 8. EXAMINATION OF APPLICANTS.

8.1 General.

Examination of applicants includes formal examination of academic, personal, and experience credentials; and a written examination; ~~and an oral interview/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 ~~Written the~~ Examination.

Any applicant whose credentials have been approved ~~either through formal-credentials review or~~ by the full Board, and who has paid the required examination fee, shall be admitted to the written examination. ~~Approved applicants must present one photographic identification for admission to the examination site.~~

8.3 Written Examination.

Applicants are required to take the ~~Examination for Professional Practice in Psychology (EPPP) 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 and other tests as designated adopted~~ by the Board. The purpose of ~~written 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 written 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 ~~written~~ examination, reflecting a "pass" or "failure to pass." ~~The applicant's score, the national mean, and the Board's cut-off scores of 60 percent for Psychological Examiners and 70 percent for Psychologists shall reflect a "pass" or "failure to pass" statement for the level of practice for which the applicant is applying. These scores shall be replaced by the Association of State and Provincial Psychology Board's (ASPPB) established standard scores of 500 (for licensed Psychologist level) and 450 (for licensed Psychological Examiner) as soon as this scoring system is adopted by ASPPB. Passing scores will be set in accordance with the standards of the Association of State and Provisional Psychology Board (ASPPB).~~

8.3. B. (1) ~~Pass: All applicants who pass the written examination shall take an interview and an oral examination. The oral examination will ordinarily be conducted at the next regularly scheduled oral examination following the applicant's receipt of written examination results.~~

8.3. B. (2) Failure to pass.

8.3. B. (21) (a) ~~Psychologist applicants who fail to pass the~~

~~written examination at the Psychologist cut-off point, but whose scores exceed the Psychological Examiner cut-off point, may petition the Board for licensure at the Psychological Examiner level.~~

~~8.3. B. (2) (b) Petition for Extension of Provisional Licensure Status. An applicant who fails to pass the written examination within eighteen (18) months of being granted provisional licensure status may submit a formal written request to the Board for an extension of time to practice psychology under qualified supervision 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.~~

~~8.3. B. (2) (c) A candidate for Examination may take the EPPP no more than four times during the twelve (12) month Grace Period (Section 7.3) and must wait for a period of 60 days between administrations.~~

8.4. Interview and Oral Examination.

~~Pursuant to A.C.A. § 17-97-304, and to provide a comprehensive evaluation of an applicant's knowledge of the field and practice of psychology and related matters, the Board uses a formal interview and oral examination to complement the written examination.~~

~~8.4. A. Frequency of Interview and Oral Examination. Interview and oral examinations shall be held not less than two (2) times per year.~~

~~8.4. B. A passing score on the written examination qualifies the applicant for admission to the interview and oral examination. The applicant shall be notified of a scheduled time for the examination. Failure to be present for the examination may result in a six (6) month delay before rescheduling can occur. In unusual circumstances, the Board may, at its option, extend the~~

~~grace period during which the applicant may practice psychology under qualified supervision. Any applicant who has not been granted a grace period extension, and who continues to practice psychology without a license, may be subject to action by the Board pursuant to A.C.A. § 17-97-101, et. seq.~~

~~8.4. C. The interview and oral examination is utilized by the Board to examine any areas where the applicant may fail to meet the minimum requirements for licensure and to assure the Board that the individual is credentialed for the practice of psychology in the State of Arkansas. This examination may include, but is not limited to, the following: questions related to the ethics of the profession of psychology, the applicant's Statement of Intent to practice psychology, the applicant's use of title, supervisory requirements, any work samples which may be requested, and the applicant's knowledge of the field of psychology, the Arkansas statutes regulating the practice of psychology, and related matters.~~

~~8.4. D. Oral examinations shall be conducted by at least two Board licensed individuals, one of whom must be a current member of the Board and one of whom may be a past Board member. Recommendations of "Pass," "Failure to Pass" or "Borderline Pass with Restrictions" will be presented to the full Board for approval. Non Board member examiners will be limited to previous Board members who are sworn in as examiners prior to administering oral examinations.~~

~~8.4. E. Consumer and Senior Citizen members may not participate in the interview and oral examination process.~~

~~8.4. F. If there are unresolved questions after the oral examination concerning the applicant's ability to practice, the Board may formally request any/all of the following:~~

~~8.4. F. (1) Additional work samples.~~

~~8.4. F. (2) Clarification of the Statement of Intent.~~

~~8.4. F. (3) Additional letters of professional reference.~~

~~8.4. F. (4) Additional supervised experience.~~

~~8.4. F. (5) Additional academic work.~~

~~8.4. F. (6) Other evidence requested by the Board of the applicant's qualifications and competence to practice psychology as defined by A.C.A. § 17-97-101, et seq.~~

~~8.4. G. If it is the determination of the Board that the applicant does not~~

~~possess the judgment and skills necessary to assure basic competency, the reasons for this determination by the Board shall be cogently, objectively, and formally submitted in writing to the applicant.~~

8.54. 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 01 through June 30 each year. ~~CE hours obtained from January 01, 2009 through June 30, 2009 shall count for this initial reporting period on June 30, 2010. CE hours shall not be obtained exclusively by home study or online means.~~ For this purpose, the Board ~~recognizes a general category of CE activities and~~ allows licensees to distribute activities among the following:

9.1. A. (1). ~~Professionally~~ Professional activities ~~relevant activities in formal settings~~ 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). Collaborative study with a Psychologist(s) which involves supervised independent study and/or training. This activity may include supervision-related activities for a maximum of 10 clock/contact hours per year if specific training objectives and goals are clearly documented. Licensees must be able to document the training objectives and goals for such study activities.~~

~~9.1. A. (2) Also acceptable, are experiences which demonstrate professional benefit to the licensee. These would include:~~

9.1. A. ~~(2) (a)~~ (1) (b) Workshops In-person or online training provided by a qualified professional from state and/or nationally recognized training programs professional organization, i.e., the American Medical Association, the National Association of Social

Workers, the Association for Counseling Development The American Counseling Association, etc. Training must be provided by a qualified professional.

9.1. A. ~~(2)(b)~~ (1)(c) In-service training programs related to the practice of psychology. ~~In-services must have and having~~ a demonstrable psychological content. In-services with psychological content that are given at the professional's place of employment may not ~~serve as~~ account for more than ~~fifty-percent (50%) of ten (10)~~ CE hours except where the place of employment is an accredited training ~~institution. program, i.e., APA-accredited doctoral, internship, or post-doctoral fellowship programs.~~

9.1. A. ~~(2)(c)~~ (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. ~~These Courses~~ must be ~~offered by~~ taken at a regionally accredited academic institutions. Both undergraduate and graduate course work will be acceptable. Activities in this category may not account for more than ten (10) CE hours. A maximum of twenty (20) hours per course is allowed.

9.1. A. ~~(2)(d)~~ (1)(e) ~~Documentation of 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) ~~p~~Publishing an 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. ~~(2)(e)~~ (1)(g) ~~Presentation at~~ Preparing and presenting a first-time poster ~~session~~, workshop, or in-service training at the local, state, or national level. ~~Preparation time required for such presentations may be included.~~ Activities in this category may not account for more than five (5) CE hours.

9.1. A. ~~(2)(f)~~ Training related to upgrading or maintaining skills in the mental health field (e.g., development or application of computer software). ~~Prior approval from the Board is required for these professional training experiences.~~

~~9.1.A. (2) (g) CE shall not be exclusively by home study and/or on-line means.~~

9.1. A. ~~(2)~~ (1) (h) Attendance at Board meetings by licensees and Board members may account for up to one (1) ethics hour per meeting ~~for a maximum of four (4) hours per year. 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. (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, ~~except for Board approved accredited home study programs having examination and certificate of completion.~~

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

9.1. A. (3) ~~(c)~~ (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 ~~required to appear before the board for a hearing and determination~~ 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 ~~request~~ request 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, and/or military service, and/or

~~9.1.D. 2. R~~ residence in a foreign country for at least twelve (12) months of the license renewal period.

9.1.D. ~~3. 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.

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. § ~~17-97-312(f)~~ 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 Active Duty Military Members, Returning 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, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

10.3.B. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:

10.3.B. (1) An active duty military service member stationed in the State of Arkansas;

10.3.B. (2) A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or

10.3.B. (3) The spouse of a person under Section 10.3.B. (1) or (2).

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 substantially equivalent license 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).

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. § ~~17-97-312(f)~~ 17-3-102(a), the license or registration may be granted only upon waiver by the Board of the conviction. Any applicant for license or registration who has plead guilty, nolo contendere, or been found guilty of a permanently disqualifying offense listed in A.C.A. § ~~97-17-312(m)(2)~~ 17-3-102(e) shall not be eligible for licensure or registration.

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 ~~and Regulations~~.

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. § ~~17-97-312(f)~~ 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 licensee.

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 ~~and~~ Regulations of the Arkansas Psychology Board.

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. § ~~17-97-312(f)~~ 17-3-102(a) 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.

Any applicant for licensure or renewal who has plead guilty to, nolo contendere, or been found guilty of a permanently disqualifying offense shall not be eligible for licensure or renewal of licensure. Permanently disqualifying offenses are found at A.C.A. ~~§17-3-102(e), -97-17-312(m) (2) and include:~~

- ~~(A) Capital murder, as prohibited in A.C.A. § 5-10-101~~
- ~~(B) Murder in the first degree and murder in the second degree, as prohibited in A.C.A. §§ 5-10-102 and 5-10-103~~
- ~~(C) Kidnapping, as prohibited in A.C.A. § 5-11-102~~
- ~~(D) Rape, as prohibited in A.C.A. § 5-14-103~~
- ~~(E) Sexual assault in the first degree and second degree, as prohibited in A.C.A. §§ 5-14-124 and 5-14-125~~
- ~~(F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor, as prohibited in A.C.A. §§ 5-27-203 and 5-27-204~~
- ~~(G) Incest, as prohibited in A.C.A. § 5-26-202~~
- ~~(H) Arson, as prohibited in A.C.A. § 5-38-301~~
- ~~(I) Endangering the welfare of an incompetent person in the first degree, as prohibited in A.C.A. § 5-27-201 and~~
- ~~(J) Adult abuse that constitutes a felony, as prohibited in A.C.A. § 5-28-103,~~

~~Any applicant for licensure who has plead guilty, nolo contendere, or been found guilty of a disqualifying offense listed in A.C.A. 97-17-312(f), and not been permanently disqualified, shall not be eligible for licensure unless the offense has been expunged or waiver of the disqualification has been granted by the Board.~~

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.

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.

~~13.3. Examination Fee.~~

~~The Board shall charge an administrative fee of \$50.00 in addition to the fee charged~~

~~for the Examination for Professional Practice in Psychology (EPPP). This cumulative fee must be received by the Board before an applicant will be scheduled for this written examination.~~

13.4.3. 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.

13.5. Oral Re-examination Fee.

~~In the event of an individual's failure of oral examination, a \$100.00 fee shall be paid for each subsequent oral exam.~~

13.6.4. 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.

13.6.4. A. The Board shall charge a late fee of \$50.00 for late payment for renewal of a ~~Temporary Permit~~ Provisional License.

13.7.5. Annual License Renewal Fee.

The Board shall charge an annual License Renewal Fee of up to \$300.00 per A.C.A. § ~~17-97-308 (2)~~ ©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.

13.8.6. 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.

13.9.7. 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, ~~one Biennium of past CEUs~~ 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, and may require an oral examination if deemed necessary.

13.10.8. Administrative Fees.

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

13. 40.8. A. Photocopying, per page	\$ 1.00
13.10.8. B. Personal Name Change	\$ 10.00
13. 40.8. C. <u>B.</u> Service Charge on Returned Check	\$ 20.00
13. 40.8. D. <u>C.</u> Replacement of Returned Check	\$ 20.00
13. 40.8. E. <u>D.</u> Mailing Lists/ Labels	\$100.00
13.10. F. Verification of Licensure	\$ 10.00
13. 40.8. G. <u>E.</u> 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 ~~regulations-~~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 ~~for whom the information~~ 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. § ~~17-97-312 (f)~~ 17-3-102(a) shall not be eligible for renewal unless the reported offense has been expunged, sealed, or pardoned, ~~subject to the exceptions found at A.C.A. 17-97-312 (m) (2) which~~ If the offense is from the list in A.C.A. § 17-3-102(e), it shall result in permanent disqualification. A licensee or registrant may apply to the Board for a waiver of disqualification pursuant to ~~A.C.A. § 17-97-312 (h) (1)~~ Section 5.5.C (2) of these Rules for the conviction of any listed offense not subject to permanent disqualification. 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 licensee fails for three (3) consecutive years to pay the fee, then it shall be the duty of the Board without hearing or notice to 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 ~~and Regulations~~ 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 ~~and Regulations~~. The principles shall constitute one standard by which appropriate professional practices are determined.

SECTION 17. SEVERABLE PROVISIONS OF THESE RULES AND REGULATIONS.

17.1. Each and every Rule ~~and Regulation~~ contained herein shall be construed as severable from each other Rule ~~and Regulation~~, 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 ~~and Regulations~~ of the Board without invalidating any other portion of the Rules ~~and Regulations~~.

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, regulation, 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 ~~or Regulation~~ be invalidated, and an appropriate Rule ~~or Regulation~~ substituted in accordance with the Administrative Procedure Act.

SECTION 18. INTENTION.

18.1. It is intended that the provisions of these Rules ~~and Regulations~~ 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 performs a face to face examination using real time audio and visual telepsychology technology that provides information at least equal to such information as would have been obtained by an in-person interview; OR

19.1. (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 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 be licensed to practice psychology in the State of Arkansas.

Adopted ~~October 31, 2009~~ June 29, 2020

State of Arkansas

As Engrossed: S3/28/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL
LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING
MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL
OF RULES SUBMITTED BY OCCUPATIONAL LICENSING
ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
OCCUPATIONAL LICENSURE OF ACTIVE DUTY
SERVICE MEMBERS, RETURNING MILITARY
VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW
AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

(1) The current law regarding the issuance of licenses,
certificates, and permits required to enable the holder to lawfully engage in
a profession, trade, or employment in this state continues to constitute a
hardship on active duty service members, returning military veterans, and
their spouses;

(2) Acts 2017, No. 248, amended the law to require that all
state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty
2 service members, returning military veterans, and their spouses;

3 (3) State boards and commissions required to promulgate rules by
4 Acts 2017, No. 248, have failed to do so in accordance with the law; and

5 (4) Automatic licensure is necessary to remedy these hardships
6 and allow active duty service members, returning military veterans, and their
7 spouses to engage in their chosen professions.

8
9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of~~ Automatic
11 licensure for active duty service members, returning military veterans, and
12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section:

14 (1) "Automatic licensure" means the granting of occupational
15 licensure without an individual's having met occupational licensure
16 requirements provided under this title or by the rules of the occupational
17 licensing entity;

18 (2) "Occupational licensing entity" means an office, board,
19 commission, department, council, bureau, or other agency of state government
20 having authority to license, certify, register, permit, or otherwise
21 authorize an individual to engage in a particular occupation or profession;

22 (3) "Occupational licensure" means a license, certificate,
23 registration, permit, or other form of authorization required by law or rule
24 that is required for an individual to engage in a particular occupation or
25 profession; and

26 (4) "returning Returning military veteran" means a former member
27 of the United States Armed Forces who was discharged from active duty under
28 circumstances other than dishonorable.

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~
30 ~~or permits required to enable the holder to lawfully engage in a profession,~~
31 ~~trade, or employment in this state~~ An occupational licensing entity shall
32 allow grant the following individuals to secure employment with a temporary
33 license, certificate, or permit while completing the application process for
34 full licensure or certification or permitting automatic licensure to engage
35 in an occupation or profession if the to an individual who is the holder in
36 good standing of a substantially equivalent license, certificate, or permit

1 occupational license issued by another state, territory, or district of the
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the
4 State of Arkansas;

5 ~~(2)(B)~~ A returning military veteran applying for licensure
6 within one (1) year of his or her discharge from active duty; or

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~
8 (b)(1)(A) and ~~(2)~~ (b)(1)(B) of this section.

9 (2) However, an occupational licensing entity shall be required
10 to provide automatic licensure if the proposed rules are not approved as
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~
13 ~~procedures for full licensure, certification, or permitting for the following~~
14 ~~individuals:~~

15 ~~(1) An active duty military service member stationed in the~~
16 ~~State of Arkansas;~~

17 ~~(2) A returning military veteran applying within one (1) year of~~
18 ~~his or her discharge from active duty; or~~

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~
22 ~~certification, or permitting for an active duty military service member~~
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~
24 ~~within one (1) year of his or her discharge from active duty, a state board~~
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~
27 ~~training and experience in the area of licensure, certification, or~~
28 ~~permitting is substantially similar to experience or education required for~~
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~
32 ~~experience or education required for licensure, certification, or permitting~~
33 ~~if the state board or commission determines the military training and~~
34 ~~experience is a satisfactory substitute for the experience or education~~
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~
2 ~~an active duty military service member deployed outside the State of Arkansas~~
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~
4 ~~following the active duty military service member's or spouse's return from~~
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~
7 ~~exemption from continuing education required as part of licensure,~~
8 ~~certification, or permitting for a profession, trade, or employment in this~~
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~
18 ~~section may require evidence of completion of continuing education before~~
19 ~~issuing the individual a subsequent license, certificate, or permit or~~
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~
22 ~~to carry out the provisions of this section.~~

23 An occupational licensing entity may submit proposed rules recommending
24 an expedited process and procedure for occupational licensure instead of
25 automatic licensure as provided under subsection (b) of this section to the
26 Administrative Rules and Regulations Subcommittee of the Legislative Council.

27 (d) The Administrative Rules and Regulations Subcommittee of the
28 Legislative Council shall:

29 (1) Review the proposed rules of an occupational licensing
30 entity as submitted for public comment and at least thirty (30) days before
31 the public comment period ends under the Arkansas Administrative Procedure
32 Act, § 25-15-201 et seq.; and

33 (2) Approve the proposed rules submitted under subsection (c)
34 based on:

35 (A) A determination of whether the expedited process and
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

2 (B) Any other criteria the Administrative Rules and
3 Regulations Subcommittee of the Legislative Council determines necessary to
4 achieve the objectives of this section.

5 (e) The Administrative Rules and Regulations Subcommittee of the
6 Legislative Council may:

7 (1) Establish a subcommittee to assist in the duties assigned
8 under this section;

9 (2) Assign information filed with the Administrative Rules and
10 Regulations Subcommittee of the Legislative Council under this section to one
11 (1) or more subcommittee of the Legislative Council, including without
12 limitation a subcommittee created under subdivision (e)(1) of this section;
13 or

14 (3) Delegate its duties under this section to one (1) or more
15 subcommittees of the Legislative Council, subject to final review and
16 approval of the Administrative Rules and Regulations Subcommittee of the
17 Legislative Council.

18 (f) An occupational licensing entity shall:

19 (1) Submit proposed rules authorized under subsection (c) of
20 this section to the Administrative Rules and Regulations Subcommittee of the
21 Legislative Council for review and approval before the proposed rules are
22 promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et
23 seq.; and

24 (2) Provide to the House Committee on Aging, Children and Youth,
25 Legislative and Military Affairs an annual report stating the number of
26 automatic licenses and expedited occupational licenses granted under this
27 section to:

28 (A) Active duty military service members stationed in the
29 State of Arkansas;

30 (B) Returning military veterans applying within one (1)
31 year of his or her discharge from active duty; or

32 (C) The spouse of a person under subdivisions (f)(2)(A)
33 and (f)(2)(B) of this section.

34
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations
3 Subcommittee of the Legislative Council shall complete the review and
4 approval process of the proposed rules required by § 17-1-106 within one (1)
5 year of the effective date of this act.

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8 /s/Irvin

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11 APPROVED: 4/9/19
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State of Arkansas

As Engrossed: S4/1/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 505

By: Senator Irvin

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO AMEND THE PROVISIONAL LICENSE REQUIREMENTS
FOR PSYCHOLOGISTS AND PSYCHOLOGICAL EXAMINERS; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROVISIONAL LICENSE
REQUIREMENTS FOR PSYCHOLOGISTS AND
PSYCHOLOGICAL EXAMINERS.

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

SECTION 1. Arkansas Code § 17-97-305(b), concerning the issuance of a
provisional license for a psychologist or psychological examiner, is amended
to add an additional subdivision to read as follows:

(5) At the discretion of the board, the board may accept
satisfactory substitute education in lieu of the education under § 17-97-
302(b)(1)(B).

SECTION 2. Arkansas Code § 17-97-305(d)(1)(A), concerning the
qualifications to take an examination for a provisional license for a
psychologist or psychological examiner, is amended to read as follows:

(A) Has received:

(i) A doctoral degree in psychology from a
regionally accredited educational institution; ~~or~~

(ii) A doctoral degree in psychology or the
substantial equivalent of a doctoral degree in psychology in both subject



1 matter and extent of training from a regionally accredited educational
2 institution; or

3 (iii) Admission into an American Psychological
4 Association accredited internship program;

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7 /s/Irvin
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10 **APPROVED: 4/11/19**
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State of Arkansas *As Engrossed: S3/18/19 H4/3/19*
92nd General Assembly **A Bill**
Regular Session, 2019

SENATE BILL 451

By: Senator J. Cooper
By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND
OCCUPATIONS TO OBTAIN CONSISTENCY
REGARDING CRIMINAL BACKGROUND CHECKS AND
DISQUALIFYING OFFENSES FOR LICENSURE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and
supported in partnership with the National Conference of State Legislatures,
the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals
to the Red Tape Reduction Working Group to review and address occupational



1 licensing regulations that create unnecessary barriers to labor market entry;
2 and

3 (4) The Red Tape Reduction Working Group issued a final report
4 to the Governor in the fall of 2018 with five (5) recommendations for
5 substantive legislative reform, which are to:

6 (A) Establish an expedited procedure for occupational
7 licensing entities to collectively submit administrative rules that are
8 responsive to new legislation;

9 (B) Extend Acts 2017, No. 781, to allow repeal of
10 subsections of rules;

11 (C) Establish provisions to allow certain agencies to
12 consider occupational relevance with regard to criminal background issues;

13 (D) Authorize occupational licensing entities to identify
14 types of individuals or entities that may be issued temporary or provisional
15 licenses; and

16 (E) Establish a systematic process for review of:

17 (i) New occupational licenses and occupational
18 licensing entities; and

19 (ii) Existing occupational licenses and occupational
20 licensing entities.

21 (b) It is the intent of the General Assembly to establish provisions
22 to allow certain agencies to consider occupational relevance with regard to
23 criminal background issues.

24
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29
30 17-2-101. Definitions.

31 As used in this subchapter:

32 (1) "Criminal record" means any type of felony or misdemeanor
33 conviction;

34 (2) "Licensing entity" means an office, board, commission,
35 department, council, bureau, or other agency of state government having
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

2 (3) "License" means a license, certificate, registration,
3 permit, or other form of authorization required by law or rule that is
4 required for an individual to engage in a particular occupation or
5 profession.

6
7 17-2-102. Licensing restrictions based on criminal records.

8 (a) An individual is not eligible to receive or hold a license issued
9 by a licensing entity if that individual has pleaded guilty or nolo
10 contendere to or been found guilty of any of the following offenses by any
11 court in the State of Arkansas or of any similar offense by a court in
12 another state or of any similar offense by a federal court, unless the
13 conviction was lawfully sealed under the Comprehensive Criminal Record
14 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,
15 pardoned or expunged under prior law:

16 (1) Capital murder as prohibited in § 5-10-101;

17 (2) Murder in the first degree and second degree as prohibited
18 in §§ 5-10-102 and 5-10-103;

19 (3) Manslaughter as prohibited in § 5-10-104;

20 (4) Negligent homicide as prohibited in § 5-10-105;

21 (5) Kidnapping as prohibited in § 5-11-102;

22 (6) False imprisonment in the first degree as prohibited in § 5-
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-
25 106;

26 (8) Robbery as prohibited in § 5-12-102;

27 (9) Aggravated robbery as prohibited in § 5-12-103;

28 (10) Battery in the first degree as prohibited in § 5-13-201;

29 (11) Aggravated assault as prohibited in § 5-13-204;

30 (12) Introduction of a controlled substance into the body of
31 another person as prohibited in § 5-13-210;

32 (13) Aggravated assault upon a law enforcement officer or an
33 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
34 felony;

35 (14) Terroristic threatening in the first degree as prohibited
36 in § 5-13-301;

- 1 (15) Rape as prohibited in § 5-14-103;
2 (16) Sexual indecency with a child as prohibited in § 5-14-110;
3 (17) Sexual extortion as prohibited in § 5-14-113;
4 (18) Sexual assault in the first degree, second degree, third
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
6 (19) Incest as prohibited in § 5-26-202;
7 (20) Offenses against the family as prohibited in §§ 5-26-303 –
8 5-26-306;
9 (21) Endangering the welfare of an incompetent person in the
10 first degree, as prohibited in § 5-27-201;
11 (22) Endangering the welfare of a minor in the first degree as
12 prohibited in § 5-27-205;
13 (23) Permitting the abuse of a minor as prohibited in § 5-27-
14 221;
15 (24) Engaging children in sexually explicit conduct for use in
16 visual or print media, transportation of minors for prohibited sexual
17 conduct, pandering or possessing visual or print medium depicting sexually
18 explicit conduct involving a child, or use of a child or consent to use of a
19 child in a sexual performance by producing, directing, or promoting a sexual
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,
21 and 5-27-403;
22 (25) Computer child pornography as prohibited in § 5-27-603;
23 (26) Computer exploitation of a child in the first degree as
24 prohibited in § 5-27-605;
25 (27) Felony adult abuse as prohibited in § 5-28-103;
26 (28) Theft of property as prohibited in § 5-36-103;
27 (29) Theft by receiving as prohibited in § 5-36-106;
28 (30) Arson as prohibited in § 5-38-301;
29 (31) Burglary as prohibited in § 5-39-201;
30 (32) Felony violation of the Uniform Controlled Substances Act,
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-
32 419 – 5-64-442;
33 (33) Promotion of prostitution in the first degree as prohibited
34 in § 5-70-104;
35 (34) Stalking as prohibited in § 5-71-229;
36 (35) Criminal attempt, criminal complicity, criminal

solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) of this section, a licensing entity may waive disqualification 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) The individual holding a license subject to revocation.

(2) A basis upon which a waiver may be granted includes 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.

(c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, the disqualification shall not be considered for more than five (5) years from the date of conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

(A) Was not convicted for committing a violent or sexual offense; and

(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the

1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

3 (e) Due to the serious nature of the offenses, the following shall
4 result in permanent disqualification for licensure:

5 (1) Capital murder as prohibited in § 5-10-101;

6 (2) Murder in the first degree as prohibited in § 5-10-102 and
7 murder in the second degree as prohibited in § 5-10-103;

8 (3) Kidnapping as prohibited in § 5-11-102;

9 (4) Aggravated assault upon a law enforcement officer or an
10 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
11 felony;

12 (5) Rape as prohibited in § 5-14-103;

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

16 (8) Incest as prohibited in § 5-26-202;

17 (9) Endangering the welfare of an incompetent person in the
18 first degree as prohibited in § 5-27-201;

19 (10) Endangering the welfare of a minor in the first degree as
20 prohibited in § 5-27-205;

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

24 (f) This chapter does not preclude a licensing entity from taking
25 emergency action against a licensee as authorized under § 25-15-211 for the
26 sake of public health, safety, or welfare.

27 (g) The permanent disqualification for an offense listed in subsection
28 (e) of this section does not apply to an individual who holds a valid license
29 on the effective date of this chapter.

30 (h) This section does not apply to licensure or certification:

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under
35 the Private Security Agency, Private Investigator, and School Security
36 Licensing and Credentialing Act, § 17-40-101 et seq.

17-2-103. Prelicensure criminal background checks.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure and whether or not he or she could obtain a waiver under § 17-2-102(b).

(2) The petition shall include details on the criminal record of the individual.

(b)(1) A licensing entity may require that the applicant undergo a state and federal criminal background check as required by the licensing entity for all applicants for a license.

(2) The petitioner under subsection (a) of this section shall be responsible for payment for the state and federal criminal background check.

17-2-104. Rules.

(a) A licensing entity shall adopt or amend rules necessary for the implementation of this chapter.

(b)(1) When adopting or amending rules to implement this chapter, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(2) A licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstractor, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

1 reapplication for a certificate of registration by the Arkansas Abstracters'
2 Board, is amended to read as follows:

3 (a) If the applicant satisfactorily passes the examinations ~~and is of~~
4 ~~good moral character~~, the applicant shall be certified as a registered
5 abstracter, and the certificate provided for shall be issued to him or her.
6 The privileges granted by the certificate shall continue unless revoked, as
7 provided in this chapter, or unless the certificate is otherwise surrendered
8 to the Arkansas Abstracters' Board.

9
10 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of
11 certificates authorized by the Arkansas Abstracters' Board, is amended to
12 read as follows:

13 (a) The Arkansas Abstracters' Board is authorized, after a hearing as
14 provided in § 17-11-341, to cancel and revoke any certificate of registration
15 issued to any person under the provisions of this chapter:

16 (1) For a violation of any of the provisions of this chapter;

17 (2) Upon a conviction of the holder of such a certificate of a
18 crime ~~involving moral turpitude~~ under § 17-1-102; or

19 (3) If the board finds the holder to be guilty of habitual
20 carelessness or of fraudulent practices in the conduct of the business of
21 abstracting.

22
23 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure
24 of appeal for revocation of certificates authorized by the Arkansas
25 Abstracters' Board, is amended to read as follows:

26 (a)(1) Upon a verified complaint being filed with the Arkansas
27 Abstracters' Board or upon the board's own motion filing a complaint charging
28 the holder of a certificate of registration with a violation of any of the
29 provisions of this chapter, or conviction of a crime involving ~~moral~~
30 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent
31 practices in the conduct of the business of abstracting, or charging the
32 holder of a certificate of authority with failure to furnish the bond or
33 bonds, or other securities, required by § 17-11-324, or with failing to have
34 employed a registered abstracter as provided in § 17-11-301, or with a
35 violation of any of the provisions of this chapter, the board shall
36 immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

1 accountant.

2
3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal
4 background check for initial licensure of accountants, is amended to read as
5 follows:

6 (d) Upon completion of the criminal background checks, the
7 Identification Bureau of the Department of Arkansas State Police shall
8 forward to the board all releasable information obtained concerning the
9 ~~commission by the applicant of any offense listed in subsection (e) of this~~
10 ~~section.~~

11
12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~
16 ~~federal court may not receive or hold a license as a certified public~~
17 ~~accountant or public accountant.~~

18
19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the
20 grounds for revocation or suspension of licensure of accountants, are amended
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,
25 ~~or fraud, or moral turpitude~~ under the law of any state or of the United
26 States;

27
28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for
29 revocation or suspension of licensure of an accountant, is amended to add an
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas
32 State Board of Public Accountancy may refuse to issue a license to or
33 reinstate a license of a person who has been convicted of a felony involving
34 theft or fraud, regardless of the amount of time that has elapsed since the
35 conviction.

SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers and duties regarding criminal background checks of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(i) During the five (5) years immediately preceding the date of the application was convicted of, or pled guilty or nolo contendere to, a crime that would call into question the applicant's fitness for registration, licensure, or certification, including without limitation a crime involving:

~~(a) Moral turpitude;~~

~~(b)(1)(a)(1)~~ An act substantially related to the qualifications, functions, or duties of an appraiser.

(2) A crime or act may be deemed substantially related to the qualifications, functions, or duties of an appraiser if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a real property appraiser credential to perform the functions authorized by the credential;

~~(e)~~(b) Taking, appropriating, or retaining the funds or property of another;

~~(d)~~(c) Forging, counterfeiting, or altering an instrument affecting the rights or obligations of another;

~~(e)~~(d) Evasion of a lawful debt or obligation,
including without limitation a tax obligation;

~~(f)~~(e) Trafficking in narcotics or controlled substances;

(g) <u>(f)</u>	Violation of a relation of trust or confidence;
---------------------------	---

~~(h)~~ (g) Theft of personal property or funds;

~~(i)~~(h) An act of violence or threatened violence against persons or property; or

~~(j)~~(i) A sexually related crime or act under §
5-14-101 et seq.;

SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and disciplinary procedures of the Arkansas Appraiser Licensing and Certification Board for licensees, is repealed.

~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

1 ~~involving moral turpitude or of any felony.~~

2 ~~(B) A plea of nolo contendere or no contest shall be~~
3 ~~considered a conviction for the purposes of this section.~~

4
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements
6 for registration under the Appraisal Management Company Registration Act, is
7 amended to read as follows:

8 (3)(A) The name, address, and contact information of any person
9 that owns ten percent (10%) or more of the appraisal management company.

10 (B) Any person owning more than ten percent (10%) of an
11 appraisal management company in this state shall:

12 ~~(i) Be of good moral character, as determined by the~~
13 ~~board; and~~

14 ~~(ii) Submit~~ submit to a state criminal background
15 check and a national fingerprint-based criminal background check performed by
16 the Federal Bureau of Investigation in compliance with federal law and
17 regulations;

18
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the
20 disciplinary authority, enforcement, and hearings under the Appraisal
21 Management Company Registration Act, is amended to read as follows:

22 (3) The person has pleaded guilty or nolo contendere to or been
23 found guilty of:

24 (A) A felony listed under § 17-2-102; or

25 (B) Within the past ten (10) years:

26 (i) A misdemeanor involving mortgage lending or real
27 estate appraising; or

28 (ii) An offense involving breach of trust, ~~moral~~
29 ~~turpitude~~, or fraudulent or dishonest dealing;

30
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of
32 "good moral character" related to architects, is repealed.

33 ~~(3)(A) "Good moral character" means character that will enable a~~
34 ~~person to discharge the fiduciary duties of an architect to his or her client~~
35 ~~and to the public for the protection of health, safety, and welfare.~~

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~
2 ~~308,~~

3
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations
5 to be a registered and licensed architect, is amended to read as follows:

6 (b)(1) To be qualified for admission to an examination to practice
7 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least
8 twenty-one (21) years of age ~~and of good moral character.~~

9
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for
11 revocation of a license for an architect, is amended to read as follows:

12 (5) The holder of the license or certificate of registration has
13 been guilty of a felony listed under § 17-2-102;

14
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the
16 registration requirements for an athlete agent under the Uniform Athlete
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to
19 paragraph (7) has been convicted of a crime that, if committed in this State,
20 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-
21 102, and identify the crime;

22
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or
24 revocation of a license of an auctioneer, is amended to read as follows:

25 (6) Being convicted of a criminal offense involving ~~moral~~
26 ~~turpitude~~ or a felony listed under § 17-2-102 in a court of competent
27 jurisdiction of this or any other jurisdiction;

28
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character
30 references for a professional bail bondsman license, is amended to read as
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that
33 he or she is competent, trustworthy, financially responsible, and of good
34 personal and business reputation and has not been convicted of a felony ~~or~~
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.

1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension
2 and penalties for a professional bail bondsman licensee, is amended to read
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §
7 17-2-102;

8
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

10 17-20-302. Qualifications of applicants.

11 Any person shall be qualified to receive a certificate of registration
12 to practice as a registered barber who:

13 (1) Is qualified under this chapter;

14 ~~(2) Is of good moral character and temperate habits;~~

15 ~~(3)~~(2) Has passed a satisfactory examination conducted by the
16 State Board of Barber Examiners to determine his or her fitness to practice
17 barbering;

18 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

19 ~~(5)~~(4) Has received training approved by the appropriate
20 licensing authorities.

21
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for
23 disciplinary action of barbers, is amended to read as follows:

24 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a
25 certified copy of the record of the court of conviction.

26
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for
28 revocation, suspension, or refusal of license issued by the State Board of
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications
35 of any applicant for an original license or any renewal license, shall, among
36 other things, consider the following:

- 1 (1) Experience;
- 2 (2) Ability;
- 3 ~~(3) Character;~~
- 4 ~~(4)~~(3) The manner of performance of previous contracts;
- 5 ~~(5)~~(4) Financial condition;
- 6 ~~(6)~~(5) Equipment;
- 7 ~~(7)~~(6) Any other fact tending to show ability and willingness to
- 8 conserve the public health and safety; and
- 9 ~~(8)~~(7) Default in complying with the provisions of this chapter
- 10 or ~~any other~~ another law of the state.

11
12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications
13 for a contractors license, is amended to add an additional subsection to read
14 as follows:

15 (c) In addition to the offenses listed in § 17-2-102, the board may
16 consider the following offenses when determining fitness for licensure or
17 registration of a contractor under this chapter:

18 (1) Conviction of a crime with an element of dishonesty or fraud
19 under the laws of this state, another state, or the United States;

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
21 16-102;

22 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
23 seq.; and

24 (4)(A) A crime or act that is substantially related to the
25 qualifications, functions, or duties of a contractor.

26 (B) A crime or act may be deemed substantially related to
27 the qualifications, functions, or duties of a contractor if, to a substantial
28 degree, the crime or act evidences present or potential unfitness of a person
29 applying for or holding a contractors license or registration to perform the
30 functions authorized by the license or registration.

31
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications
33 for a contractors license through the Residential Contractors Committee, is
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

2 (1) Conviction of a crime with an element of dishonesty or fraud
3 under the laws of this state, another state, or the United States;

4 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
5 16-102;

6 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
7 seq.; and

8 (4)(A) A crime or act that is substantially related to the
9 qualifications, functions, or duties of a contractor.

10 (B) A crime or act may be deemed substantially related to
11 the qualifications, functions, or duties of a contractor if, to a substantial
12 degree, the crime or act evidences present or potential unfitness of a person
13 applying for or holding a contractors license or registration to perform the
14 functions authorized by the license or registration.

15
16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for
17 disciplinary action for cosmetology and other related occupations, is amended
18 to read as follows:

19 (10) Conviction under the laws of the United States or any state
20 or territory of the United States of a crime that is:

21 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,
22 as evidenced by a certified copy of a court record or by license application;
23 and

24 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in
25 any way related to the practice or teaching of the cosmetology industry,
26 unless the applicant or licensee can demonstrate to the board's satisfaction
27 that the applicant or licensee has been sufficiently rehabilitated to warrant
28 the public trust;

29
30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of
31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

32 (c) The committee shall be composed of the following representatives
33 from within the cosmetology industry who are ~~of good moral character and who~~
34 ~~are~~ at least twenty-five (25) years of age:

35 (1) One (1) member shall be a licensed cosmetologist actively
36 engaged in practicing the art of cosmetology for at least five (5) years at

1 the time of appointment;

2 (2) One (1) member shall be a licensed nail technician;

3 (3) One (1) member shall be an owner of a licensed school of
4 cosmetology or shall be a director of cosmetology at a state-supported
5 school;

6 (4) One (1) member shall be a licensed aesthetician; and

7 (5) Three (3) members shall represent the cosmetology industry
8 at large or a related field.

9
10 SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications
11 for a licensed professional counselor, is amended to read as follows:

12 (2) The applicant is highly regarded in ~~personal character and~~
13 professional ethics;

14
15 SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications
16 for a licensed marriage and family therapist before January 1, 1998, is
17 amended to read as follows:

18 (2) The applicant is highly regarded in ~~personal character and~~
19 professional ethics;

20
21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
22 17-27-313. Criminal background checks.

23 (a) The Arkansas Board of Examiners in Counseling may require each
24 applicant for license renewal and each first-time applicant for a license
25 issued by the board to apply to the Identification Bureau of the Department
26 of Arkansas State Police for a state and national criminal background check,
27 to be conducted by the Identification Bureau of the Department of Arkansas
28 State Police and the Federal Bureau of Investigation.

29 (b) The check shall conform to the applicable federal standards and
30 shall include the taking of fingerprints.

31 (c) The applicant shall sign a release of information to the board and
32 shall be responsible for the payment of any fee associated with the criminal
33 background check.

34 (d) Upon completion of the criminal background check, the
35 Identification Bureau of the Department of Arkansas State Police shall
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~
4 ~~found guilty of any of the following offenses by any court in the State of~~
5 ~~Arkansas or of any similar offense by a court in another state or of any~~
6 ~~similar offense by a federal court;~~

7 ~~(1) Capital murder as prohibited in § 5-10-101;~~

8 ~~(2) Murder in the first degree and second degree as prohibited~~
9 ~~in §§ 5-10-102 and 5-10-103;~~

10 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

11 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

12 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
16 ~~106;~~

17 ~~(8) Robbery as prohibited in § 5-12-102;~~

18 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

19 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

20 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

21 ~~(12) Introduction of controlled substance into body of another~~
22 ~~person as prohibited in § 5-13-210;~~

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~
24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~
26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~
31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~
36 ~~first degree as prohibited in § 5-27-201;~~

1 ~~(22) Endangering the welfare of a minor in the first degree as~~
2 ~~prohibited in § 5-27-205;~~

3 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

4 ~~(24) Engaging children in sexually explicit conduct for use in~~
5 ~~visual or print media, transportation of minors for prohibited sexual~~
6 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
10 ~~5-27-403;~~

11 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

12 ~~(26) Computer exploitation of a child in the first degree as~~
13 ~~prohibited in § 5-27-605;~~

14 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

15 ~~(28) Theft of property as prohibited in § 5-36-103;~~

16 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

17 ~~(30) Arson as prohibited in § 5-38-301;~~

18 ~~(31) Burglary as prohibited in § 5-39-201;~~

19 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
21 ~~5-64-442;~~

22 ~~(33) Promotion of prostitution in the first degree as prohibited~~
23 ~~in § 5-70-104;~~

24 ~~(34) Stalking as prohibited in § 5-71-229; and~~

25 ~~(35) Criminal attempt, criminal complicity, criminal~~
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

28 ~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of
29 provisional eligibility for licensure to a first-time applicant pending the
30 results of the criminal background check.

31 ~~(2) Upon receipt of information from the Identification Bureau~~
32 ~~of the Department of Arkansas State Police that the person holding such a~~
33 ~~letter of provisional licensure has pleaded guilty or nolo contendere to or~~
34 ~~been found guilty of any offense listed in subsection (e) of this section,~~
35 ~~the board shall immediately revoke the provisional license.~~

36 ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

3 ~~(B) The person holding a license subject to revocation;~~

4 ~~(2) Circumstances for which a waiver may be granted shall~~
5 ~~include, but not be limited to, the following:~~

6 ~~(A) The age at which the crime was committed;~~

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

12 ~~(G) Other evidence demonstrating that the applicant does~~
13 ~~not pose a threat to the health or safety of children.~~

14 (f) For the purposes of this section, the board shall follow the
15 licensing restrictions based on criminal records under § 17-2-102.

16 ~~(h)-(i)(g)(1)~~ Any information received by the board from the
17 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
18 under this section shall not be available for examination except by:

19 (A) The affected applicant for licensure, or his or her
20 authorized representative; or

21 (B) The person whose license is subject to revocation, or
22 his or her authorized representative.

23 (2) No record, file, or document shall be removed from the
24 custody of the Department of Arkansas State Police.

25 ~~(i)(h)~~ Any information made available to the affected applicant for
26 licensure or the person whose license is subject to revocation shall be
27 information pertaining to that person only.

28 ~~(j)(i)~~ Rights of privilege and confidentiality established under this
29 section shall not extend to any document created for purposes other than this
30 background check.

31 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
32 fully implement the provisions of this section.

33
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions
35 and prohibited conduct of embalmers and funeral directors, is amended to read
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

2
3 SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the
4 administrative violations and penalties for an engineer, is amended to read
5 as follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for
9 registration with the Arkansas State Board of Registration for Foresters, is
10 repealed.

11 ~~(c) A person shall not be eligible for registration as a forester who~~
12 ~~is not of good character and reputation.~~

13
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a
15 certificate for a registered forester, is amended to read as follows:

16 (b)(1) The board may revoke the certificate of any registered forester
17 who has been convicted of a felony listed under § 17-2-102 or who is found
18 guilty by the board of any fraud, deceit, gross negligence,
19 misrepresentation, willful violation of contract, misconduct, or gross
20 incompetence.

21 (2) The board shall investigate such charges.

22
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,
28 suspension, or revocation of a registration certificate of a geologist, is
29 amended to read as follows:

30 (3) Any felony listed under § 17-2-102;

31
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102
35 that bears directly on the fitness of the applicant to be registered;

1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of
2 revocation for a license of an interior designer, is amended to read as
3 follows:

4 (5) The holder of the registration has been guilty of a felony
5 listed under § 17-2-102;

6
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

10 (1) Be at least twenty-one (21) years of age; and

11 ~~(2) Be of good moral character; and~~

12 ~~(3)~~ (2) Pass an examination covering the matters confronting
13 landscape architects that is prepared by:

14 (A) The Arkansas State Board of Architects, Landscape
15 Architects, and Interior Designers; or

16 (B) Another entity as selected by the Arkansas State Board
17 of Architects, Landscape Architects, and Interior Designers.

18
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of
20 revocation for a landscape architect, is amended to read as follows:

21 (5) The holder of the license or certificate has been guilty of
22 a felony listed under § 17-2-102;

23
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any
27 licensee found guilty shall be subject to disciplinary action as provided in
28 § 17-42-312:

29 (1) Obtaining a license by means of fraud, misrepresentation, or
30 concealment;

31 (2) Violating any of the provisions of this chapter or any rules
32 ~~or regulations adopted pursuant to~~ under this chapter or any order issued
33 under this chapter;

34 (3) Being convicted of or pleading guilty or nolo contendere to
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,
36 *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether

1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

3 (5) Making, printing, publishing, distributing, or causing,
4 authorizing, or knowingly permitting the making, printing, publication, or
5 distribution of false statements, descriptions, or promises of such character
6 as to reasonably induce, persuade, or influence any person to act thereon;

7 (6) Failing within a reasonable time to account for or to remit
8 any moneys coming into his or her possession which belong to others;

9 (7) Committing any act involving ~~moral turpitude~~ violence,
10 *fraud*, dishonesty, untruthfulness, or untrustworthiness;

11 (8) Acting for more than one (1) party in a transaction without
12 the knowledge of all parties for whom he or she acts or accepting a
13 commission or valuable consideration for the performance of any of the acts
14 specified in this chapter from any person except the licensed principal
15 broker under whom he or she is licensed;

16 (9) Acting as a broker or salesperson while not licensed with a
17 principal broker, representing or attempting to represent a broker other than
18 the principal broker with whom he or she is affiliated without the express
19 knowledge and consent of the principal broker, or representing himself or
20 herself as a salesperson or having a contractual relationship similar to that
21 of a salesperson with anyone other than a licensed principal broker;

22 (10) Advertising in a false, misleading, or deceptive manner;

23 (11) Being unworthy or incompetent to act as a real estate
24 broker or salesperson in such a manner as to safeguard the interests of the
25 public;

26 (12) Paying a commission or valuable consideration to any person
27 for acts or services performed in violation of this chapter, including paying
28 a commission or other valuable consideration to an unlicensed person for
29 participation in a real estate auction; and

30 (13) Any other conduct, whether of the same or a different
31 character from that specified in this section, which constitutes improper,
32 fraudulent, or dishonest dealing.

33
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, fraud,
4 dishonesty, untruthfulness, or untrustworthiness.

5
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance
7 or denial of a license for an instructor of real estate education license, is
8 amended to read as follows:

9 (3) The person or entity has pleaded guilty or nolo contendere
10 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor
11 involving violence, fraud, misrepresentation, or dishonest or dishonorable
12 dealing in a court of competent jurisdiction; or

13
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations
15 that disqualify for a real estate educator license or licensee, is amended to
16 read as follows:

17 (3) Committing an act, a felony listed under § 17-2-102, or a
18 crime involving ~~moral turpitude~~ violence, fraud, dishonesty, untruthfulness,
19 or untrustworthiness regardless of whether the imposition of the sentence has
20 been deferred or suspended;

21
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application
23 for examination for a sanitarian certificate of registration, is amended to
24 read as follows:

25 (a) The Arkansas State Board of Sanitarians shall admit to examination
26 any person who makes application to the Secretary of the Arkansas State Board
27 of Sanitarians on forms prescribed and furnished by the board, and pays an
28 application fee of twenty dollars (\$20.00) to defray the expense of
29 examination, ~~and submits evidence satisfactory to the board that he or she is~~
30 ~~of good moral character.~~

31
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:

33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of
35 registration without examination to any person who makes application on forms
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)~~(1) Has had at least two (2) years' experience in the field
4 of environmental sanitation; and

5 ~~(3)~~(2) Is registered as a sanitarian in a state in which the
6 qualifications for registration are not lower than the qualifications for
7 registration in this state at the time he or she applies for registration.
8

9 SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for
10 suspension, revocation, or refusal to renew a sanitarian certificate of
11 registration, is amended to read as follows:

12 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or
13 refuse to renew a certificate of registration upon proof that the applicant+

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.
17

18 SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility
19 and application for registration as a professional soil classifier or soil
20 classifier-in-training, is amended to read as follows:

21 (a) To be eligible for registration as a professional soil classifier
22 or certification as a soil classifier-in-training, an applicant ~~must~~+

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~
26 information ~~as~~ the board may require, together with five (5) references,
27 three (3) of which shall be professional soil classifiers having personal
28 knowledge of his or her soil classifying experience or, in the case of an
29 application for certification as a soil classifier-in-training, three (3)
30 character references.
31

32 SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

33 17-47-311. Disciplinary actions – Grounds.

34 The Arkansas State Board of Registration for Professional Soil
35 Classifiers shall have the power to suspend, refuse to renew, or revoke the
36 certificate of registration of, or reprimand, any registrant who is guilty

1 of:

- 2 (1) Fraud or deceit in obtaining a certificate of registration;
3 (2) Gross negligence, incompetence, or misconduct in the
4 practice of soil classifying;
5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~
6 ~~turpitude~~; or
7 (4) A violation of the code of ethics adopted and promulgated by
8 the board.

9
10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the
11 qualifications for certification as a surveyor, is amended to read as
12 follows:

13 (a) A person who shows to the satisfaction of the State Board of
14 Licensure for Professional Engineers and Professional Surveyors that he or
15 she is a person ~~of good character and reputation and~~ over twenty-one (21)
16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if
17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the
19 practice of land surveying issued to him or her on the basis of a written
20 examination by proper authority of a state, territory, possession of the
21 United States, the District of Columbia, or any foreign country, based on
22 requirements and qualifications as shown on his or her application that in
23 the opinion of the board are equal to or higher than the requirements of this
24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with
26 sufficient surveying courses or a surveying technology curriculum of two (2)
27 years or more approved by the board, followed by at least two (2) years of
28 land surveying that must be surveying experience of a character satisfactory
29 to the board, who has passed a written examination designed to show that he
30 or she is qualified to practice land surveying in this state, may be licensed
31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved
33 engineering or surveying curriculum may be considered as equivalent to one
34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)
36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a
2 written examination designed to show that he or she is qualified to practice
3 land surveying may be granted a certificate of licensure to practice land
4 surveying in this state if he or she is otherwise qualified.

5 (B) Each year of satisfactory work in an approved
6 engineering or engineering technology curriculum majoring in surveying may be
7 considered as one (1) year of experience in land surveying, but not exceeding
8 two (2) years.

9
10 SECTION 54. Arkansas Code § 17-48-203(c), concerning the
11 qualifications for licensure as a surveyor intern, is amended to read as
12 follows:

13 (c) ~~A person who shows to the satisfaction of the board that he or she~~
14 ~~is a person of good character~~ shall be eligible for licensure as a surveyor
15 intern if he or she qualifies under one (1) of the following provisions:

16 (1) A person holding a certificate of licensure as a surveyor
17 intern issued to him or her on the basis of a written examination by proper
18 authority of a state, territory, possession of the United States, the
19 District of Columbia, or any foreign country, based on requirements and
20 qualifications as shown on his or her application, which requirements and
21 qualifications, in the opinion of the board, are equal to or higher than the
22 requirements of this chapter, may be licensed as a surveyor intern at the
23 discretion of the board;

24 (2) A graduate from an approved engineering curriculum with
25 sufficient surveying courses, or a surveying technology curriculum of two (2)
26 years or more, approved by the board, who has passed a written examination
27 designed to show that he or she is proficient in surveying fundamentals, may
28 be licensed if he or she is otherwise qualified; or

29 (3)(A) An applicant who cannot qualify under subdivision (c)(2)
30 of this section and who has four (4) years or more of active experience in
31 land surveying of a character satisfactory to the board and who has passed a
32 written examination designed to show that he or she is proficient in
33 surveying fundamentals may be licensed if he or she is otherwise qualified.

34 (B) Each year of satisfactory work in an approved
35 engineering or engineering technology curriculum majoring in surveying may be
36 considered as one (1) year of experience in land surveying, but not exceeding

1 two (2) years.

2
3 SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the
4 administrative violations and penalties of a surveyor, is amended to read as
5 follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant
9 qualifications for registration as a certified water well driller or
10 certified pump installer, is repealed.

11 ~~(2) Is of good moral character;~~

12
13 SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints
14 against and disciplinary procedures for a home inspector, is amended to read
15 as follows:

16 ~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving~~
17 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

18 ~~(B) A plea of nolo contendere or no contest is considered~~
19 ~~a conviction for the purposes of this section;~~

20
21 SECTION 58. Arkansas Code § 17-52-315(a), concerning the application
22 for registration as a home inspector, is amended to read as follows:

23 (a) Any person applying for registration or renewal of registration as
24 a home inspector shall ~~be of good moral character and shall~~ submit to the
25 Arkansas Home Inspector Registration Board:

26 (1) An application under oath upon a form to be prescribed by
27 the board;

28 (2) A current certificate of insurance issued by an insurance
29 company licensed or surplus lines approved to do business in this state that
30 states that the applicant has procured general liability insurance in the
31 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,
32 workers' compensation insurance; and

33 (3) The required registration or registration renewal fee with
34 the application.

35
36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

1 application for licensure as a chiropractor, is amended to read as follows:

2 (2) The applicant must submit proof satisfactory to the board of
3 graduation from a chartered school or college of chiropractic as herein
4 described and file with his or her application the affidavits of at least two
5 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~
6 ~~of good moral character.~~

7
8 SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the
9 qualifications of applicants for licensure as a chiropractor, is repealed.

10 ~~(6) Be of good moral character;~~

11
12 SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal
13 background check required for a chiropractor, is amended to read as follows:

14 (e) Except as provided in subsection (f) of this section, a person
15 shall not receive or hold a license issued by the board if the person has
16 been convicted of or pleaded guilty or nolo contendere to any felony listed
17 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,
18 untruthfulness, or untrustworthiness, or is a registered sex offender or
19 required to register as a sex offender.

20
21 SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing
22 procedure for dentists, is amended to read as follows:

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental
30 Association-accredited college of dentistry with the degree of Doctor of
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental

1 Medicine, or an equivalent degree approved by the board;

2 (C) Have passed an examination approved by the board and
3 authorized under § 17-82-303;

4 (D) Be a resident of the State of Arkansas and the United
5 States and be in compliance with federal laws of immigration; and

6 (E) Serve a period of at least one (1) year under a
7 provisional license issued by the board to foreign graduates and successfully
8 complete the monitoring requirements as ordered by the board at the time the
9 provisional license is issued.

10
11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing
12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)(1)~~ Have graduated from a dental hygiene program which is
16 accredited by the American Dental Association Commission on Dental
17 Accreditation and approved by the board for the training of dental
18 hygienists; and

19 ~~(3)(2)~~ Submit upon request ~~such~~ proof as required by the board
20 may require touching upon ~~character and~~ fitness.

21
22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the
23 credentials for dentists and dental hygienists licensed in other states, is
24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,
26 setting forth the applicant's ~~moral reputation and character~~, history with
27 the board, professional ability, and such other information or data as the
28 board may deem necessary or expedient.

29
30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation
31 or suspension of a license for a dentist, dental hygienist, or dental
32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual
34 drunkenness for a period of three (3) months; insanity; adjudication of
35 insanity or mental incompetency if deemed detrimental to patients; conviction
36 of ~~an infamous crime or~~ a felony listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional
2 incompetency; failure to maintain proper standards of sanitation or failure
3 otherwise to maintain adequate safeguards for the health and safety of
4 patients; or employment in the practice of the profession of any drug,
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally
6 used by the dental profession;

7
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice
11 dentistry or another healthcare profession issued by the Arkansas State Board
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or
13 has been found guilty of ~~either an infamous crime that would impact his or~~
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~
16 ~~pardoned~~ listed under § 17-2-102.

17
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a
21 license or may revoke or suspend a license issued under this chapter for any
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;
24 (2) Engaging in unprofessional conduct or gross incompetence as
25 defined by the rules of the board or violating the standards of professional
26 responsibility adopted and published by the board; or
27 (3) ~~Conviction in this or any other state of any crime that is a~~
28 ~~felony in this state~~ of a felony listed under § 17-2-102; or
29 ~~(4) Conviction of a felony in a federal court.~~

30
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the
32 qualifications for licensure and internship for hearing instrument
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:
35 (A) Is twenty (20) years of age or older; and
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college
2 or university; ~~and~~

3 ~~(C) Is of good moral character.~~

4
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
7 dispenser license, is amended to read as follows:

8 (1) Being convicted of a crime ~~involving moral turpitude. A~~
9 ~~record of a conviction, certified by the judge or the clerk of the court~~
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;
12

13 SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers
14 and duties of the State Board of Health regarding massage therapy licenses,
15 are amended to read as follows:

16 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~
17 ~~receive or hold a license issued by the Department of Health if the applicant~~
18 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~
19 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~
20 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~
21 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~
22 the board shall follow the licensing restrictions based on criminal records
23 under § 17-2-102.

24 ~~(2) A provision of this section may be waived by the Department~~
25 ~~of Health if:~~

26 ~~(A) The conviction is for a Class A misdemeanor and:~~

27 ~~(i) The completion of the applicant's sentence and~~
28 ~~probation or completion of the applicant's sentence or probation of the~~
29 ~~offense is at least three (3) years from the date of the application; and~~

30 ~~(ii) The applicant has no criminal convictions~~
31 ~~during the three year period; or~~

32 ~~(B) The conviction is for a felony of any classification~~
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~
35 ~~probation or the completion of the applicant's sentence or probation of the~~
36 ~~offense is at least five (5) years from the date of the application; and~~

1 ~~(ii) The applicant has no criminal convictions~~
2 ~~during the five year period.~~

3 ~~(f) The Department of Health may permit an applicant to be licensed~~
4 ~~regardless of having been convicted of an offense listed in this section,~~
5 ~~upon making a determination that the applicant does not pose a risk of harm~~
6 ~~to any person served by the Department of Health.~~

7 ~~(g) In making a determination under subsection (f) of this section,~~
8 ~~the Department of Health may consider the following factors:~~

9 ~~(1) The nature and severity of the crime;~~
10 ~~(2) The consequences of the crime;~~
11 ~~(3) The number and frequency of crimes;~~
12 ~~(4) The relationship between the crime and the health, safety,~~
13 ~~and welfare of persons served by the Department of Health, such as:~~

14 ~~(A) The age and vulnerability of victims of the crime;~~

15 ~~(B) The harm suffered by the victim; and~~

16 ~~(C) The similarity between the victim and persons served~~
17 ~~by the Department of Health;~~

18 ~~(5) The time elapsed without a repeat of the same or similar~~
19 ~~event;~~

20 ~~(6) Documentation of successful completion of training or~~
21 ~~rehabilitation pertinent to the incident; and~~

22 ~~(7) Any other information that bears on the applicant's ability~~
23 ~~to care for others or other relevant information.~~

24 ~~(h) If the Department of Health waives the provisions of subsection~~
25 ~~(e) of this section, the Department of Health shall submit the reasons for~~
26 ~~waiving this provision in writing, and the determination and reasons shall be~~
27 ~~made available to the members of the Department of Health for review.~~

28
29 SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications
30 for licensure as a massage therapist, is amended to read as follows:

31 (1) Furnish to the Department of Health satisfactory proof that
32 he or she is eighteen (18) years of age or older ~~and of good moral character;~~

33
34 SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary
35 actions and penalties for massage therapists, is amended to read as follows:

36 (a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the
2 following grounds:

3 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A
5 felony listed under § 17-2-102;

6 (2) Malpractice or gross incompetency;

7 (3) The use in advertisements of untruthful or improbable
8 statements or flamboyant, exaggerated, or extravagant claims concerning the
9 licensee's professional excellence or abilities;

10 (4) Habitual drunkenness or habitual use of any illegal drugs;

11 (5) Serving alcoholic beverages at the clinic or school in a
12 room where massage therapy is being performed or in a massage therapy school;

13 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional
14 conduct;

15 (7) Failure to comply with the Department of Health's Massage
16 Therapy Code of Ethics or any valid regulation or order of the committee;

17 (8) Invasion of the field of practice of any profession for
18 which a license is required, the diagnosis of ailments, diseases, or injuries
19 of human beings, the performance of osseous adjustments, prescription of
20 medications, or other breaches of the scope of practice of massage therapy;

21 (9) Failure of any licensee to comply with this chapter; or

22 (10) Failure to have licensed personnel to perform massage
23 therapy techniques in his or her clinic or school.

24
25 SECTION 73. Arkansas Code § 17-87-301(a), concerning the
26 qualifications for an applicant for licensure as a registered nurse, is
27 amended to read as follows:

28 (a) Qualifications. Before taking the examination or before the
29 issuance of a license by endorsement, an applicant for a license to practice
30 professional nursing shall submit to the Arkansas State Board of Nursing
31 written evidence, verified by oath, that the applicant:

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~ (1) Has completed an approved high school course of study or
34 the equivalent thereof as determined by the appropriate educational agency;
35 and

36 ~~(3)~~ (2) Has completed the required approved professional nursing

1 education program.

2
3 SECTION 74. Arkansas Code § 17-87-304(a), concerning the
4 qualifications of an applicant for licensure as a licensed practical nurse,
5 is amended to read as follows:

6 (a) Qualifications. An applicant for a license to practice practical
7 nursing shall submit to the Arkansas State Board of Nursing evidence,
8 verified by oath, that the applicant:

9 ~~(1) Is of good moral character;~~

10 ~~(2)~~(1) Has completed an approved high school course of study or
11 the equivalent thereof as determined by the appropriate educational agency;
12 and

13 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
14 program for the preparation of practical nurses and holds a diploma or
15 certificate therefrom. However, the board may waive this requirement if the
16 board determines the applicant to be otherwise qualified.

17
18 SECTION 75. Arkansas Code § 17-87-305(a), concerning the
19 qualifications of an applicant for licensure as a licensed psychiatric
20 technician nurse, is amended to read as follows:

21 (a) Qualifications. An applicant for a license to practice
22 psychiatric technician nursing shall submit to the Arkansas State Board of
23 Nursing evidence, verified by oath, that the applicant:

24 ~~(1) Is of good moral character;~~

25 ~~(2)~~(1) Has completed an approved high school course of study or
26 the equivalent thereof as determined by the appropriate educational agency;
27 and

28 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
29 program for the preparation of psychiatric technician nurses and holds a
30 diploma or certificate therefrom. However, the board may waive this
31 requirement if the board determines the applicant to be otherwise qualified.

32
33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the
36 Identification Bureau of the Department of Arkansas State Police shall

1 forward to the board all releasable information obtained concerning the
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~
3 ~~section.~~

4 (e) For purposes of this section, the board shall follow the licensing
5 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
6 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~
7 ~~receive or hold a license issued by the board if that person has pleaded~~
8 ~~guilty or nolo contendere to or has been found guilty of any of the following~~
9 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~
10 ~~court in another state or of any similar offense by a federal court:~~

11 (1) ~~Capital murder as prohibited in § 5-10-101;~~

12 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~
13 ~~murder in the second degree as prohibited in § 5-10-103;~~

14 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

15 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

16 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

17 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
18 ~~11-103;~~

19 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
20 ~~106;~~

21 (8) ~~Robbery as prohibited in § 5-12-102;~~

22 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

23 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

24 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

25 (12) ~~Introduction of a controlled substance into the body of~~
26 ~~another person as prohibited in § 5-13-210;~~

27 (13) ~~Aggravated assault upon a law enforcement officer or an~~
28 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

29 (14) ~~Terroristic threatening in the first degree as prohibited~~
30 ~~in § 5-13-301;~~

31 (15) ~~Rape as prohibited in § 5-14-103;~~

32 (16) ~~Sexual indecency with a child as prohibited in § 5-14-110;~~

33 (17) ~~Sexual extortion, § 5-14-113;~~

34 (18) ~~Sexual assault in the first degree, second degree, third~~
35 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

36 (19) ~~Incest as prohibited in § 5-26-202;~~

1 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~
2 ~~26-303—5-26-306;~~

3 ~~(21) Endangering the welfare of an incompetent person in the~~
4 ~~first degree as prohibited in § 5-27-201;~~

5 ~~(22) Endangering the welfare of a minor in the first degree as~~
6 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~
7 ~~degree as prohibited in § 5-27-206;~~

8 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

9 ~~(24) Engaging children in sexually explicit conduct for use in~~
10 ~~visual or print media, transportation of minors for prohibited sexual~~
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
15 ~~5-27-403;~~

16 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

17 ~~(26) Computer exploitation of a child in the first degree as~~
18 ~~prohibited in § 5-27-605;~~

19 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

20 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

22 ~~(30) Arson as prohibited in § 5-38-301;~~

23 ~~(31) Burglary as prohibited in § 5-39-201;~~

24 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
26 ~~5-64-442;~~

27 ~~(33) Promotion of prostitution in the first degree as prohibited~~
28 ~~in § 5-70-104;~~

29 ~~(34) Stalking as prohibited in § 5-71-229; and~~

30 ~~(35) Criminal attempt, criminal complicity, criminal~~
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33 (f)(1)(A) The board may issue a nonrenewable temporary permit for
34 licensure to a first-time applicant pending the results of the criminal
35 background check.

36 ~~(B)~~(2) The permit shall be valid for no more than six (6)

1 months.

2 ~~(2) Except as provided in subdivision (1)(1) of this section,~~
3 ~~upon receipt of information from the Identification Bureau of the Department~~
4 ~~of Arkansas State Police that the person holding the letter of provisional~~
5 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~
6 ~~of, any offense listed in subsection (e) of this section, the board shall~~
7 ~~immediately revoke the provisional license.~~

8 ~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this~~
9 ~~section may be waived by the board upon the request of:~~

10 ~~(A) An affected applicant for licensure; or~~

11 ~~(B) The person holding a license subject to revocation.~~

12 ~~(2) Circumstances for which a waiver may be granted shall~~
13 ~~include, but not be limited to, the following:~~

14 ~~(A) The age at which the crime was committed;~~

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

20 ~~(G) Other evidence demonstrating that the applicant does~~
21 ~~not pose a threat to the health or safety of the public.~~

22 ~~(h)(1)(g)(1)~~ Any information received by the board from the
23 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
24 under this section shall not be available for examination except by:

25 (A) The affected applicant for licensure or his or her
26 authorized representative; or

27 (B) The person whose license is subject to revocation or
28 his or her authorized representative.

29 (2) No record, file, or document shall be removed from the
30 custody of the Department of Arkansas State Police.

31 ~~(i)(h)~~ Any information made available to the affected applicant for
32 licensure or the person whose license is subject to revocation shall be
33 information pertaining to that person only.

34 ~~(j)(i)~~ Rights of privilege and confidentiality established in this
35 section shall not extend to any document created for purposes other than this
36 background check.

1 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
2 fully implement the provisions of this section.

3 ~~(1)(1)~~ ~~For purposes of this section, an expunged record of a~~
4 ~~conviction or a plea of guilty or nolo contendere to an offense listed in~~
5 ~~subsection (e) of this section shall not be considered a conviction, guilty~~
6 ~~plea, or nolo contendere plea to the offense unless the offense is also~~
7 ~~listed in subdivision (1)(2) of this section.~~

8 ~~(2)~~ ~~Because of the serious nature of the offenses and the close~~
9 ~~relationship to the type of work that is to be performed, the following shall~~
10 ~~result in permanent disqualification:~~

- 11 ~~(A)~~ ~~Capital murder as prohibited in § 5-10-101;~~
12 ~~(B)~~ ~~Murder in the first degree as prohibited in § 5-10-102~~
13 ~~and murder in the second degree as prohibited in § 5-10-103;~~
14 ~~(C)~~ ~~Kidnapping as prohibited in § 5-11-102;~~
15 ~~(D)~~ ~~Aggravated assault upon a law enforcement officer or~~
16 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
17 ~~(E)~~ ~~Rape as prohibited in § 5-14-103;~~
18 ~~(F)~~ ~~Sexual extortion, § 5-14-113;~~
19 ~~(G)~~ ~~Sexual assault in the first degree as prohibited in §~~
20 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
21 ~~(H)~~ ~~Incest as prohibited in § 5-26-202;~~
22 ~~(I)~~ ~~Endangering the welfare of an incompetent person in~~
23 ~~the first degree as prohibited in § 5-27-201;~~
24 ~~(J)~~ ~~Endangering the welfare of a minor in the first degree~~
25 ~~as prohibited in § 5-27-205;~~
26 ~~(K)~~ ~~Adult abuse that constitutes a felony as prohibited in~~
27 ~~§ 5-28-103; and~~
28 ~~(L)~~ ~~Arson as prohibited in § 5-38-301.~~

29
30 SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary
31 actions for nurses, is amended to read as follows:

32 (1) Has been found guilty of or pleads guilty or nolo contendere
33 to:

34 (A) Fraud or deceit in procuring or attempting to procure
35 a medication assistive person certificate; or

36 (B) Providing services as a medication assistive person

1 without a valid certificate; ~~or~~

2 ~~(C) Committing a crime of moral turpitude;~~

3
4 SECTION 78. Arkansas Code § 17-88-302(2), concerning the
5 qualifications of an applicant for licensure as an occupational therapist, is
6 repealed.

7 ~~(2) The applicant must be of good moral character;~~

8
9 SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial,
10 revocation, or suspension of an occupational therapist license, is amended to
11 read as follows:

12 (4) Being convicted of a ~~crime, other than minor offenses~~
13 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~
14 ~~the acts for which the applicant or licensee was convicted are found by the~~
15 ~~board to have a direct bearing on whether he or she should be entrusted to~~
16 ~~serve the public in the capacity of an occupational therapist or occupational~~
17 ~~therapy assistant~~ felony listed under § 17-2-102; and

18
19 SECTION 80. Arkansas Code § 17-89-302(a), concerning the
20 qualifications of an applicant for licensure as a licensed dispensing
21 optician, is amended to read as follows:

22 (a) Every applicant for examination as a licensed dispensing optician
23 shall present satisfactory evidence to the Arkansas Board of Dispensing
24 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
25 ~~character,~~ a high school graduate or the equivalent thereof, and either:

26 (1) Is a graduate of a school of opticianry whose curriculum
27 consists of at least eighteen (18) months of didactic and practical
28 instruction which is accredited by a national accreditation organization and
29 approved by the board; or

30 (2)(A) Has been engaged in the providing of ophthalmic
31 dispensing services, as defined in this chapter, in the State of Arkansas for
32 a period of not less than five (5) years immediately before application.

33 (B) No more than three (3) years may consist of:

34 (i) Working in a qualified service optical
35 laboratory approved by the board; or

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
3 diseases of the eye.

4
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

7 Every applicant for examination as a registered dispensing optician
8 shall present satisfactory evidence to the Arkansas Board of Dispensing
9 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
10 ~~character~~, a high school graduate or the equivalent thereof, and either:

11 (1) Has a minimum of three (3) years' dispensing experience in
12 Arkansas under the direct supervision of an Arkansas-licensed optometrist or
13 Arkansas-licensed physician skilled in disease of the eye;

14 (2) Has a minimum of three (3) years' experience under the
15 direct supervision of a licensed or registered dispensing optician holding a
16 certificate of licensure or registry in the State of Arkansas, one (1) year
17 of which may be while working in a qualified full-service optical laboratory
18 approved by the board; or

19 (3) Is a graduate of an approved school of opticianry which has
20 been accredited by a national accreditation organization and is recognized by
21 the board.

22
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~ (2) Has provided ophthalmic dispensing services to the public
32 as a dispensing optician in the state of licensure or registration for a
33 period of at least five (5) years for licensure or three (3) years for
34 registration immediately before his or her application for reciprocity to
35 this state; and

36 ~~(4)~~ (3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or
2 registry issued by this state.

3
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic
5 dispensers from nonlicensing states seeking licensure as a dispensing
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

8 (1) Be qualified under the provisions of this chapter;

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~ (2) Have been engaged in ophthalmic dispensing as described
11 in § 17-89-102(4) for a period of:

12 (A) Five ~~(5)~~ years for applicants for licensure, of which
13 no more than three ~~(3)~~ years may be while working in a qualified full-service
14 optical laboratory approved by the board; or

15 (B) Three ~~(3)~~ years for applicants for registry, of which
16 no more than one ~~(1)~~ year may be while working in a qualified full-service
17 laboratory approved by the board immediately before the date of application;

18 ~~(4)~~ (3) Successfully complete the written and practical
19 examination for licensure or registry prepared and conducted by the board;
20 and

21 ~~(5)~~ (4) Have paid the fee prescribed in § 17-89-304(f) to the
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of
25 denial, suspension, or revocation of a licensure or registration of an
26 ophthalmic dispensers, is amended to read as follows:

27 (3) The applicant, licensee, or registrant being convicted of a
28 felony listed under § 17-2-102 in any state or federal court, and not
29 ~~pardoned, if the acts for which the person is convicted are found by the~~
30 ~~board to have a direct bearing on whether he or she should be entrusted to~~
31 ~~serve the public in the capacity of a dispensing optician;~~

32
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory
36 evidence that he or she is:

1 (1) ~~Over~~ At least twenty-one (21) years of age;
2 (2) A successful candidate having passed all parts of the
3 National Board of Examiners in Optometry examination since January 1, 1997;
4 and

5 ~~(3) Of good moral character; and~~
6 ~~(4)~~(3) A graduate of a college of optometry that has been
7 accredited by the Accreditation Council on Optometric Education of the
8 American Optometric Association.

9
10 SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by
11 endorsement for optometrists, is amended to read as follows:

12 (3) A certificate of good standing from each authority which
13 issued the license, setting forth the applicant's ~~moral reputation and~~
14 ~~character~~, history with the authority, professional ability, continuing
15 education compliance, and other information or data as the State Board of
16 Optometry may deem necessary or expedient;

17
18 SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds
19 for denial, revocation, or suspension of an optometrist license, is amended
20 to read as follows:

21 (3) Conviction of a felony listed under § 17-2-102 or the
22 conviction of a misdemeanor, if the misdemeanor conduct would denote an
23 impairment in the ability to practice optometry;

24
25 SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing
26 requirements for an osteopathic physician, is amended to read as follows:

27 (a) The Arkansas State Medical Board shall accept for licensure by
28 examination any person who:

29 (1) Is at least twenty-one (21) years of age;
30 (2) Is a citizen of the United States;
31 ~~(3) Is of good moral character;~~
32 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional
33 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et
34 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

35 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose
36 course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and

2 ~~(6)~~(5) Has completed a one-year internship in a hospital
3 approved by the American Medical Association or the American Osteopathic
4 Association.

5
6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

10 ~~(2) Shall be of good moral character and temperate habits; and~~

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional
13 undergraduate degree from a pharmacy degree program which has been approved
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,
16 completed a transcript verification program, taken and passed a college of
17 pharmacy equivalency exam program, and completed a process of communication
18 ability testing as defined under board regulations so that it is assured that
19 the applicant meets standards necessary to protect public health and safety.

20
21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for
22 revocation, suspension, or nonrenewal of licensure or registration, is amended
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo
25 contendere in a criminal proceeding, regardless of whether or not the
26 adjudication of guilt or sentence is withheld by a court of this state,
27 another state, or the United States Government for:

28 (A) Any felony listed under § 17-2-102;

29 (B) Any act involving ~~moral turpitude~~, gross immorality,
30 or which is related to the qualifications, functions, and duties of a
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of
33 this state, or of the pharmacy or drug statutes, rules, and regulations of
34 any other state or of the United States Government;

35
36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a
2 pharmacy technician registration, is amended to read as follows:

3 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~
4 person is not eligible to receive or hold an intern or pharmacist license or
5 pharmacy technician registration issued by the board if that person has
6 pleaded guilty or nolo contendere to, or has been found guilty of, any of the
7 following offenses, regardless of whether an adjudication of guilt or
8 sentencing or imposition of sentence is withheld, by any court in the State
9 of Arkansas or of any similar offense by a court in another state or of any
10 similar offense by a federal court:

11 (1) Any felony listed under § 17-2-102;

12 (2) Any act involving ~~moral turpitude~~, gross immorality,
13 dishonesty, or which is related to the qualifications, functions, and duties
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or
16 regulations, including, but not limited to, this chapter, the Uniform
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
18 Cosmetic Act, § 20-56-201 et seq.

19
20 SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of
21 applicants for licensure as a physical therapist, is amended to read as
22 follows:

23 (b) Each physical therapist applicant shall:

24 (1) Be at least twenty-one (21) years of age;

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31
32 SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of
33 applicants for licensure as a physical therapist assistant, is amended to
34 read as follows:

35 (b) Each physical therapist assistant applicant shall:

36 (1) Be at least eighteen (18) years of age;

1 ~~(2) Be of good moral character;~~

2 ~~(3)~~(2) Have graduated from a school of physical therapy
3 accredited by a national accreditation agency approved by the Arkansas State
4 Board of Physical Therapy;

5 ~~(4)~~(3) Have passed examinations selected and approved by the
6 Arkansas State Board of Physical Therapy; and

7 ~~(5)~~(4) Submit fees as determined by the Arkansas State Board of
8 Physical Therapy.

9
10 SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the
11 revocation, suspension, or denial of licensure for physical therapists, is
12 repealed.

13 ~~(4) Has been convicted of a crime involving moral turpitude;~~

14
15 SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the
16 revocation, suspension, or denial of a license for an athletic trainer, is
17 amended to read as follows:

18 (1) Been convicted of a felony ~~or misdemeanor involving moral~~
19 ~~turpitude, the record of conviction being conclusive evidence of conviction~~
20 ~~if the board determines after investigation that the person has not been~~
21 ~~sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-
22 102;

23
24 SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's
25 duty to report physician misconduct, is amended to read as follows:

26 (2) The hospital shall also report any other formal disciplinary
27 action concerning any such physician taken by the hospital upon
28 recommendation of the medical staff relating to professional ethics, medical
29 incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

30
31 SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:
32 17-95-307. License eligibility.

33 ~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to
34 practice medicine or another healthcare profession issued by the Arkansas
35 State Medical Board if the person has pleaded guilty or nolo contendere to or
36 has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~
3 ~~expunged, or pardoned.~~

4
5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of
8 acts constituting unprofessional conduct as defined in § 17-95-409;

9
10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall
13 consider the ~~moral character and~~ professional qualifications of the applicant
14 upon notice and hearing before ordering reinstatement. Unless such a showing
15 shall thereupon be made to the board as would entitle the applicant to the
16 issuance of an original license, reinstatement shall be denied.

17
18 SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the
19 grounds for denial, suspension, or revocation of a physician license, is
20 amended to read as follows:

21 (A)(i) Conviction of ~~any crime involving moral turpitude~~
22 ~~or conviction of~~ a felony listed under § 17-2-102.

23 (ii) The judgment of any such conviction, unless
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

25
26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning
27 qualifications of an applicant for licensure as a graduate registered
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~

30
31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:
32 17-95-910. Violation.

33 Following the exercise of due process, the Arkansas State Medical Board
34 may discipline a graduate registered physician who:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a
36 license;

- 1 (2) Fraudulently or deceptively uses a license;
2 (3) Violates any provision of this subchapter or any rules
3 adopted by the board pertaining to this chapter;
4 (4) Is convicted of a felony listed under § 17-2-102;
5 (5) Is a habitual user of intoxicants or drugs to the extent
6 that he or she is unable to safely perform as a graduate registered
7 physician; or
8 (6) Has been adjudicated as mentally incompetent or has a mental
9 condition that renders him or her unable to safely perform as a graduate
10 registered physician; ~~or~~
11 ~~(7) Has committed an act of moral turpitude.~~
12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications
14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any
16 examination for such registration unless that person shall furnish the
17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and
19 ~~(2) Is of good moral character; and~~
20 ~~(3)~~ (2) Has received a license or certificate of graduation from
21 a legally incorporated, regularly established school of podiatric medicine
22 recognized by the Council on Podiatric Medical Education of the American
23 Podiatric Medical Association within the states, territories, districts, and
24 provinces of the United States or within any foreign country.
25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the
27 definition of "unprofessional and dishonest conduct" regarding podiatric
28 medicine licensure, is repealed.

29 ~~(C) Being guilty of an offense involving moral turpitude;~~
30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the
32 membership of the Arkansas Psychology Board, is amended to read as follows:

33 (B) The Governor shall remove any member from the board if
34 he or she:

- 35 (i) Ceases to be qualified;
36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

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

3 (iv) Pleads guilty or nolo contendere to or is found
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under
5 § 17-2-102 by a court of competent jurisdiction; or

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

9
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning
11 qualifications of an applicant for licensure as a psychologist, is amended to
12 read as follows:

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

15 ~~(A) Is of good moral character;~~

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

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

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

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

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

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

33
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning
35 qualifications of an applicant for licensure as a psychological examiner, is
36 amended to read as follows:

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

3 ~~(A) Is of good moral character;~~

4 ~~(B)(A)~~ Has a master's degree in psychology or a closely
5 related field from an accredited educational institution recognized by the
6 board as maintaining satisfactory standards;

7 ~~(C)(B)~~ Is competent as a psychological examiner as shown
8 by passing examinations, written or oral, or both, as the board deems
9 necessary;

10 ~~(D)(C)~~ Is not considered by the board to be engaged in
11 unethical practice;

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

15 ~~(F)(E)~~ Has not failed an examination given by the board
16 within the preceding six (6) months.

17
18 SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the
19 qualifications for examination for a provisional license as a psychologist,
20 is repealed.

21 ~~(C) Has good moral character;~~

22
23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the
24 qualifications for a provisional license for psychologists and psychological
25 examiners, is amended to read as follows:

26 (F) Has not been convicted of ~~a crime involving moral turpitude~~
27 ~~or~~ a felony listed under § 17-2-102;

28
29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual
30 registration for licensure as a psychologist, is amended to read as follows:

31 (2) If application for reinstatement is made, the board shall
32 consider the ~~moral character and~~ professional qualifications of the applicant
33 as in the case of an original application.

34
35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

2 (d) Upon completion of the criminal background check, the
3 Identification Bureau of the Department of Arkansas State Police shall
4 forward to the board all releasable information obtained concerning the
5 applicant ~~in the commission of any offense listed in subsection (f) of this~~
6 ~~section.~~

7 (e) At the conclusion of any background check required by this
8 section, the Identification Bureau of the Department of Arkansas State Police
9 shall promptly destroy the fingerprint card of the applicant.

10 (f) For purposes of this section, the board shall follow the licensing
11 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
12 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~
13 ~~or hold a license issued by the board if that person has pleaded guilty or~~
14 ~~nolo contendere to or been found guilty of any of the following offenses by~~
15 ~~any court in the State of Arkansas or of any similar offense by a court in~~
16 ~~another state or of any similar offense by a federal court:~~

17 (1) ~~Capital murder as prohibited in § 5-10-101;~~

18 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~
19 ~~murder in the second degree as prohibited in § 5-10-103;~~

20 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

21 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

22 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
26 ~~106;~~

27 (8) ~~Robbery as prohibited in § 5-12-102;~~

28 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

29 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

30 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

31 (12) ~~Introduction of a controlled substance into the body of~~
32 ~~another person as prohibited in § 5-13-210;~~

33 (13) ~~Aggravated assault upon a law enforcement officer or an~~
34 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

35 (14) ~~Terroristic threatening in the first degree as prohibited~~
36 ~~in § 5-13-301;~~

1 ~~(15) Rape as prohibited in § 5-14-103;~~
2 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
3 ~~(17) Sexual extortion, § 5-14-113;~~
4 ~~(18) Sexual assault in the first degree, second degree, third~~
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
6 ~~(19) Incest as prohibited in § 5-26-202;~~
7 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
8 ~~5-26-306;~~
9 ~~(21) Endangering the welfare of an incompetent person in the~~
10 ~~first degree as prohibited in § 5-27-201;~~
11 ~~(22) Endangering the welfare of a minor in the first degree as~~
12 ~~prohibited in § 5-27-205;~~
13 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
14 ~~(24) Engaging children in sexually explicit conduct for use in~~
15 ~~visual or print media, transportation of minors for prohibited sexual~~
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
19 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
20 ~~5-27-403;~~
21 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
22 ~~(26) Computer exploitation of a child in the first degree as~~
23 ~~prohibited in § 5-27-605;~~
24 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
25 ~~(28) Theft of property as prohibited in § 5-36-103;~~
26 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
27 ~~(30) Arson as prohibited in § 5-38-301;~~
28 ~~(31) Burglary as prohibited in § 5-39-201;~~
29 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
31 ~~5-64-442;~~
32 ~~(33) Promotion of prostitution in the first degree as prohibited~~
33 ~~in § 5-70-104;~~
34 ~~(34) Stalking as prohibited in § 5-71-229; and~~
35 ~~(35) Criminal attempt, criminal complicity, criminal~~
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.~~

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(i)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this

1 section shall not extend to any document created for purposes other than this
2 background check.

3 ~~(1)(k)~~ The board shall adopt the necessary rules ~~and regulations~~ to
4 fully implement the provisions of this section.

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a
6 conviction or plea of guilty of or nolo contendere to an offense listed in
7 subsection (f) of this section shall not be considered a conviction, guilty
8 plea, or nolo contendere plea to the offense unless the offense is also
9 listed in subdivision (m)(2) of this section.

10 ~~(2)~~ Because of the serious nature of the offenses and the close
11 relationship to the type of work that is to be performed, the following shall
12 result in permanent disqualification:

- 13 ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- 14 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
- 15 ~~and murder in the second degree as prohibited in § 5-10-103;~~
- 16 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- 17 ~~(D)~~ Aggravated assault upon a law enforcement officer or
- 18 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 19 ~~(E)~~ Rape as prohibited in § 5-14-103;
- 20 ~~(F)~~ Sexual extortion, § 5-14-113;
- 21 ~~(G)~~ Sexual assault in the first degree as prohibited in §
- 22 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- 23 ~~(H)~~ Incest as prohibited in § 5-26-202;
- 24 ~~(I)~~ Endangering the welfare of an incompetent person in
- 25 ~~the first degree as prohibited in § 5-27-201;~~
- 26 ~~(J)~~ Endangering the welfare of a minor in the first degree
- 27 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
- 28 ~~second degree as prohibited in § 5-27-206;~~
- 29 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
- 30 ~~§ 5-28-103; and~~
- 31 ~~(L)~~ Arson as prohibited in § 5-38-301.

32
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to
34 examination for licensure as a disease intervention specialist, is amended to
35 read as follows:

36 (a) The State Board of Disease Intervention Specialists shall admit to

1 examination any person who makes application to the Secretary of the State
2 Board of Disease Intervention Specialists on forms prescribed and furnished
3 by the board, pays an application fee set by the board to defray the expense
4 of examination, and submits satisfactory proof to the board that he or she:

- 5 ~~(1) Is a person of good moral character;~~
6 ~~(2)~~(1) Meets the minimum educational requirements;
7 ~~(3)~~(2) Meets the minimum specialized training requirements, as
8 determined by the board;
9 ~~(4)~~(3) Has had two (2) years of field experience in human
10 immunodeficiency virus/sexually transmitted disease intervention; and
11 ~~(5)~~(4) Is actively engaged in the field of human
12 immunodeficiency virus/sexually transmitted disease intervention at the time
13 he or she makes application.
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:
16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a
18 certificate of registration without examination to any person who makes
19 application on forms prescribed and furnished by the board, pays a
20 registration fee set by the board, and submits satisfactory proof that he or
21 she:

- 22 ~~(1) Is of good moral character;~~
23 ~~(2)~~(1) Has had at least two (2) years' experience in the field
24 of human immunodeficiency virus/sexually transmitted disease intervention;
25 and
26 ~~(3)~~(2) Is registered as a disease intervention specialist in a
27 state in which the qualifications for registration are not lower than the
28 qualifications for registration in this state at the time he or she applies
29 for registration.
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose
35 certificate has expired or has been suspended or revoked may make application
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has
2 complied with the continuing education requirements.

3 (b) The board shall consider the ~~moral character and~~ professional
4 qualifications of the applicant as in the case of an original application.

5
6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew
8 or may suspend or revoke a certificate upon proof that the applicant+

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
11 incompetency, or misconduct relative to his or her duties as a disease
12 intervention specialist.

13
14 SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications
15 of an applicant for licensure as a respiratory care practitioner, is amended
16 to read as follows:

17 (b) Each applicant ~~must~~ shall:

18 (1) Be at least eighteen (18) years of age;

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~ (2) Have been awarded a high school diploma or its
21 equivalent;

22 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory
23 care program which has been approved by the Arkansas State Respiratory Care
24 Examining Committee, to include adequate instruction in basic medical
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State
27 Medical Board and the committee, unless exempted by other provisions of this
28 chapter.

29
30 SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for
31 denial, suspension, or revocation of a respiratory care practitioner license,
32 is repealed.

33 ~~(3) Has been convicted of any crime involving moral turpitude;~~

34
35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

2 (b) To be eligible for licensure by the board as a speech-language
3 pathologist or audiologist, a person shall:

4 ~~(1) Be of good moral character;~~

5 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
6 language pathology or a master's degree in audiology obtained on or before
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
8 an educational institution recognized by the board;

9 ~~(3)(2)~~ Submit evidence of the completion of the educational,
10 clinical experience, and employment requirements, which shall be based on
11 appropriate national standards and prescribed by the rules adopted under this
12 chapter; and

13 ~~(4)(3)~~ Pass an examination approved by the board before the
14 board approves a license.

15
16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications
17 of an applicant for provisional licensure as a speech-language pathologist or
18 audiologist, is amended to read as follows:

19 (d) To be eligible for provisional licensure by the board as a speech-
20 language pathologist or audiologist, a person shall:

21 ~~(1) Be of good moral character;~~

22 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
23 language pathology or audiology, as the case may be, from an educational
24 institution recognized by the board;

25 ~~(3)(2)~~ Be in the process of completing the postgraduate
26 professional experience requirement; and

27 ~~(4)(3)~~ Pass an examination approved by the board.

28
29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds
30 for denial, suspension, or revocation of a license, or other disciplinary
31 action for speech-language pathologists and audiologists, is amended to read
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 in
34 ~~any court of the United States if the acts for which the licensee or~~
35 ~~applicant is convicted are found by the board to have a direct bearing on~~
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~

1 ~~a speech language pathologist or audiologist.~~

2 ~~(B) A plea or verdict of guilty made to a charge of a~~
3 ~~felony or of any offense involving moral turpitude is a conviction within the~~
4 ~~meaning of this section.~~

5 ~~(C)~~(B) At the direction of the board, and after due notice
6 and an administrative hearing in accordance with the provisions of applicable
7 Arkansas laws, the license of the person so convicted shall be suspended or
8 revoked or the board shall decline to issue a license when:

9 (i) The time for appeal has elapsed;

10 (ii) The judgment of conviction has been affirmed on
11 appeal; or

12 (iii) An order granting probation has been made
13 suspending the imposition of sentence, without regard to a subsequent order
14 under the provisions of state law allowing the withdrawal of a guilty plea
15 and the substitution of a not guilty plea, or the setting aside of a guilty
16 verdict, or the dismissal of the acquisition, information, or indictment;

17
18 SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the
19 grounds for denial, suspension, or revocation of a veterinarian license, is
20 amended to read as follows:

21 (4)(A) Conviction of a felony ~~or other crime involving moral~~
22 ~~turpitude~~ listed under § 17-2-102.

23
24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning
25 qualifications of an applicant for provisional licensure as an acupuncturist,
26 is amended to read as follows:

27 (3) Before any applicant shall be eligible for an examination,
28 the applicant shall furnish satisfactory proof to the board that he or she:

29 ~~(A) Is of good moral character by filing with his or her~~
30 ~~application the affidavits of at least two (2) reputable acupuncturists who~~
31 ~~attest to his or her character;~~

32 ~~(B)~~(A) Has successfully completed not fewer than sixty
33 (60) semester credit hours of college education, to include a minimum of
34 thirty (30) semester credit hours in the field of science; and

35 ~~(C)~~(B) Has completed a program in acupuncture and related
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in
2 the program shall be for a period of no fewer than four (4) academic years
3 and shall include a minimum of eight hundred (800) hours of supervised
4 clinical practice.

5
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning
7 qualifications of an applicant for provisional licensure as an acupuncturist,
8 is amended to read as follows:

9 (4) Not have been convicted of a felony listed under § 17-2-102;
10 and

11
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for
13 renewal, revocation, or suspension of a social worker license, is amended to
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a
16 person who has been found guilty of a felony, ~~any crime involving moral~~
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
19 unless the person requests and the board grants a waiver under § 17-103-
20 307(f).

21
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning
23 qualifications of an applicant for licensure as a licensed social worker, is
24 repealed.

25 ~~(D) Has good moral character;~~

26
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning
28 qualifications for a Licensed Social Worker license, is amended to read as
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
33 breach of client trust, or abuse of the vulnerable;

34
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been
3 found guilty of a felony, ~~any crime involving moral turpitude, listed under §~~
4 ~~17-2-102~~ or criminal offense involving violence, dishonesty, fraud, deceit,
5 breach of client trust, or abuse of the vulnerable;

6
7 SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the
8 qualifications for a Licensed Certified Social Worker license, is amended to
9 read as follows:

10 (H) Has not pleaded guilty or nolo contendere to or been found
11 guilty of a felony, ~~any crime involving moral turpitude, listed under § 17-2-~~
12 ~~102~~ or criminal offense involving violence, dishonesty, fraud, deceit, breach
13 of client trust, or abuse of the vulnerable;

14
15 SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal
16 background check requirements for social workers, are amended to read as
17 follows:

18 (d) Upon completion of the criminal background check, the
19 Identification Bureau of the Department of Arkansas State Police shall
20 forward to the board all releasable information obtained concerning the
21 applicant ~~in the commission of any offense listed in subsection (e) of this~~
22 ~~section.~~

23 (e) For purposes of this section, the board shall follow the licensing
24 restrictions based on criminal records under § 17-2-102. Except as provided
25 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~
26 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~
27 ~~contendere to or been found guilty of a felony, any crime involving moral~~
28 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~
29 ~~breach of client trust, or abuse of the vulnerable, including without~~
30 ~~limitation:~~

- 31 ~~(1) Capital murder as prohibited in § 5-10-101;~~
32 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
33 ~~murder in the second degree as prohibited in § 5-10-103;~~
34 ~~(3) Manslaughter as prohibited in § 5-10-104;~~
35 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
36 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

- 1 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
2 ~~11-103;~~
- 3 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
4 ~~106;~~
- 5 ~~(8) Robbery as prohibited in § 5-12-102;~~
- 6 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- 7 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- 8 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- 9 ~~(12) Introduction of a controlled substance into the body of~~
10 ~~another person as prohibited in § 5-13-210;~~
- 11 ~~(13) Aggravated assault upon a law enforcement officer or an~~
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 13 ~~(14) Terroristic threatening in the first degree as prohibited~~
14 ~~in § 5-13-301;~~
- 15 ~~(15) Rape as prohibited in § 5-14-103;~~
- 16 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- 17 ~~(17) Sexual extortion, § 5-14-113;~~
- 18 ~~(18) Sexual assault in the first degree, second degree, third~~
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
- 20 ~~(19) Incest as prohibited in § 5-26-202;~~
- 21 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
22 ~~5-26-306;~~
- 23 ~~(21) Endangering the welfare of an incompetent person in the~~
24 ~~first degree as prohibited in § 5-27-201;~~
- 25 ~~(22) Endangering the welfare of a minor in the first degree as~~
26 ~~prohibited in § 5-27-205;~~
- 27 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~
- 28 ~~(24) Engaging children in sexually explicit conduct for use in~~
29 ~~visual or print media, transportation of minors for prohibited sexual~~
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
34 ~~5-27-403;~~
- 35 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
- 36 ~~(26) Computer exploitation of a child in the first degree as~~

1 ~~prohibited in § 5-27-605;~~

2 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

3 ~~(28) Theft of property as prohibited in § 5-36-103;~~

4 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

5 ~~(30) Arson as prohibited in § 5-38-301;~~

6 ~~(31) Burglary as prohibited in § 5-39-201;~~

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
9 ~~5-64-442;~~

10 ~~(33) Promotion of prostitution in the first degree as prohibited~~
11 ~~in § 5-70-104;~~

12 ~~(34) Stalking as prohibited in § 5-71-229; and~~

13 ~~(35) Criminal attempt, criminal complicity, criminal~~
14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~
17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

19 ~~(B) The person holding a license subject to revocation.~~

20 ~~(2) Circumstances for which a waiver may be granted include, but~~
21 ~~are not limited to, the following:~~

22 ~~(A) The applicant's age at the time the crime was~~
23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

29 ~~(G) Other evidence demonstrating that the applicant does~~
30 ~~not pose a threat to the health or safety of children or endangered adults.~~

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification
32 Bureau of the Department of Arkansas State Police under this section shall
33 not be available for examination except by the affected applicant for
34 licensure or his or her authorized representative or the person whose license
35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

2 ~~(h)~~(g) Information made available to the affected applicant for
3 licensure or the person whose license is subject to revocation shall be
4 information pertaining to that person only.

5 ~~(i)~~(h) Rights of privilege and confidentiality established in this
6 section do not extend to any document created for purposes other than the
7 criminal background check.

8 ~~(j)~~(i) The board shall adopt the necessary rules to fully implement
9 the provisions of this section.

10 ~~(k)(1) As used in this section, an expunged record of a conviction or~~
11 ~~plea of guilty or nolo contendere to an offense listed in subsection (c) of~~
12 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~
13 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~
14 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~
15 ~~subdivision (k)(2) of this section.~~

16 ~~(2) Because of the serious nature of the offenses and the close~~
17 ~~relationship to the type of work that is to be performed, a conviction,~~
18 ~~guilty plea, or nolo contendere plea to any of the following offenses shall~~
19 ~~result in permanent disqualification for licensure:~~

- 20 ~~(A) Capital murder as prohibited in § 5-10-101;~~
21 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
22 ~~and murder in the second degree as prohibited in § 5-10-103;~~
23 ~~(C) Kidnapping as prohibited in § 5-11-102;~~
24 ~~(D) Aggravated assault upon a law enforcement officer or~~
25 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
26 ~~(E) Rape as prohibited in § 5-14-103;~~
27 ~~(F) Sexual extortion, § 5-14-113;~~
28 ~~(G) Sexual assault in the first degree as prohibited in §~~
29 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
30 ~~(H) Endangering the welfare of an incompetent person in~~
31 ~~the first degree as prohibited in § 5-27-201;~~
32 ~~(I) Endangering the welfare of a minor in the first degree~~
33 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
34 ~~second degree as prohibited in § 5-27-206;~~
35 ~~(J) Engaging children in sexually explicit conduct for use~~
36 ~~in visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, or pandering or possessing a visual or print medium depicting~~
2 ~~sexually explicit conduct involving a child, or use of a child or consent to~~
3 ~~use of a child in a sexual performance by producing, directing, or promoting~~
4 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~
5 ~~27-402, and 5-27-403;~~

6 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
7 ~~§ 5-28-103; and~~

8 ~~(L) Arson as prohibited in § 5-38-301.~~

9
10 SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations
11 of the Perfusionist Licensure Act, is amended to read as follows:

12 (F) A plea of guilty, nolo contendere, or a finding of
13 guilt of a felony listed under § 17-2-102 or any offense substantially
14 related to the qualifications, functions, or duties of a perfusionist, in
15 which event the record shall be conclusive evidence; or

16
17 SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning
18 qualifications of an applicant for licensure as a physician assistant, is
19 repealed.

20 ~~(6) Is of good moral character;~~

21
22 SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:
23 17-105-113. Violation.

24 Following the exercise of due process, the Arkansas State Medical Board
25 may discipline any physician assistant who:

26 (1) Fraudulently or deceptively obtains or attempts to obtain a
27 license;

28 (2) Fraudulently or deceptively uses a license;

29 (3) Violates any provision of this chapter or any regulations
30 adopted by the board pertaining to this chapter;

31 (4) Is convicted of a felony listed under § 17-2-102;

32 (5) Is a habitual user of intoxicants or drugs to such an extent
33 that he or she is unable to safely perform as a physician assistant;

34 (6) Has been adjudicated as mentally incompetent or has a mental
35 condition that renders him or her unable to safely perform as a physician
36 assistant; or

1 ~~(7) Has committed an act of moral turpitude; or~~

2 ~~(8)~~(7) Represents himself or herself as a physician.

3
4 SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the
5 licensing requirements for healthcare professionals who use radioactive
6 materials or medical equipment emitting or detecting ionizing radiation on
7 human beings for diagnostic or therapeutic purposes, is amended to read as
8 follows:

9 (2) Submit satisfactory evidence verified by oath or affirmation
10 that the applicant:

11 (A) Is qualified to administer radioactive materials or
12 operate medical equipment emitting or detecting ionizing radiation upon human
13 beings;

14 ~~(B) Is of good moral character;~~

15 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
16 of application; and

17 ~~(D)~~(C) Has been awarded a high school diploma or has
18 passed the General Educational Development Test or the equivalent.

19
20 SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline
21 for healthcare professionals who use radioactive materials or medical
22 equipment emitting or detecting ionizing radiation on human beings for
23 diagnostic or therapeutic purposes, is amended to read as follows:

24 (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~
25 ~~court of competent jurisdiction either within or outside of this state unless~~
26 ~~the conviction has been reversed and the holder of the license has been~~
27 ~~discharged or acquitted or if the holder has been pardoned with full~~
28 ~~restoration of civil rights, in which case the license shall be restored;~~

29
30 SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary
31 action for orthotists, prosthetists, and pedorthists, is amended to read as
32 follows:

33 (1) Has pleaded guilty or nolo contendere to or has been found
34 guilty of a felony listed under § 17-2-102;

/s/J. Cooper

APPROVED: 4/15/19

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