

**CHAPTER 97
OF
THE ARKANSAS PSYCHOLOGY BOARD**



Chapter 97.

Psychologists And Psychological Examiners.

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Chapter 97.

Subchapter 1 — General Provisions

17-97-101. Legislative intent.

It is intended that the provisions of this chapter be in accordance with and consistent with the Arkansas Medical Practices Act, §§ 17-95-201 — 17-95-207, 17-95-301 — 17-95-305, and 17-95-401 — 17-95-411, and that the practice of psychology as prescribed in this chapter should not infringe on the practice of medicine.

History. Acts 1955, No. 129, § 19; A.S.A. 1947, § 72-1518.

17-97-102. Definitions — Levels of practice of psychology.

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

- (A) Preventing or eliminating symptomatic, maladaptive, or undesired behavior;
- (B) Enhancing interpersonal relationships, work and life adjustment, personal effectiveness, and behavioral and mental health; and
- (C) Consultation, teaching, and research.

(2) “Practice of psychology” includes, but is not limited to:

(A) Testing and measuring, that consist of the administration and interpretation of tests measuring personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, achievements, motives, personality dynamics, psychoeducational processes, neuropsychological brain functioning, and other psychological attributes of individuals or groups;

(B)(i) Diagnosis and treatment of mental and emotional disorders, that consist of the appropriate diagnosis of mental disorders, behavior disorders, and brain dysfunctions, according to standards of the profession and the ordering or providing of treatments according to need.

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

- (a) Counseling;
- (b) Psychotherapy;
- (c) Marital and family therapy;
- (d) Group therapy;
- (e) Behavior therapy;
- (f) Psychoanalysis;
- (g) Hypnosis;
- (h) Biofeedback;
- (i) Other psychological interventions that aim to modify and adjust perceptions, habits, or conduct; and
- (j) The psychological aspects of physical illness, pain, injury, or disability; and

- (C) Psychological consulting, which consists of:
 - (i) Interpreting or reporting on scientific theory or research in psychology;
 - (ii) Rendering expert psychological opinion or clinical psychological opinion;
 - (iii) Evaluating and engaging in applied psychological research;
 - (iv) Program or organizational development; and
 - (v) Administration, supervision, and evaluation of psychological services.

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

(B) The practice of psychology may be rendered whether or not payment is received for services rendered.

(b)(1) Unless the context otherwise requires, two (2) levels of psychological practice are defined for the purpose of this chapter. The levels are to be known and are referred to as “psychological examiner” and “psychologist”.

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

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

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

(D)(i) A psychological examiner licensed before December 31, 1997, shall be granted independent practice except in neuropsychological assessment and projective personality assessment upon the Arkansas Psychology Board receiving a letter requesting independent practice and a revised statement of intent.

(ii) No additional hours of clinical supervision shall be required for a license granted under subdivision (b)(2)(D)(i) of this section.

(E) A psychological examiner licensed after December 31, 1997, shall be privileged to practice independently except in neuropsychological assessment and projective personality assessment, if the person:

- (i) Has completed a master's degree program in psychology;
- (ii) Has completed three thousand (3,000) hours of approved clinical supervised training after making application for independent practice; and
- (iii) Has filed a revised statement of intent with the board and has provided documentation of having received appropriate training and experience in those areas requested for independent practice.

(F) After December 31, 2013, no new psychological examiner license shall be issued.

(3) A person practices as a “psychologist” within the meaning of this chapter when he or she holds himself or herself out to be a psychologist or renders to individuals or to the public for remuneration any service involving the practice of psychology.

(c) Nothing in this section shall be construed as permitting the practice of

psychology to infringe on the practice of medicine as defined by the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.

History. Acts 1955, No. 129, § 2; A.S.A. 1947, § 72-1502; Acts 1995, No. 955, § 1; 2003, No. 1482, § 1; 2007, No. 505, § 1.

17-97-103. Exceptions generally.

(a) Nothing in this chapter prevents:

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

(2) The provision of expert testimony by psychologists who are exempted by this chapter;

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

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

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

(b) Persons holding an earned doctoral degree in psychology from an institution of higher education may use the title “Psychologist” in conjunction with the activities permitted in subdivisions (a)(1) and (2) of this section.

History. Acts 1955, No. 129, § 7; A.S.A. 1947, § 72-1507; Acts 2003, No. 1482, § 2.

17-97-104. [Repealed.]

17-97-105. Privileged communications.

For the purpose of this chapter, the confidential relations and communications between a licensed psychologist or a psychological examiner and a client are placed upon the same basis as those provided by law between an attorney and a client. Nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

History. Acts 1955, No. 129, § 16; A.S.A. 1947, § 72-1516.

Subchapter 2 — Arkansas Psychology Board

17-97-201. Creation — Members.

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

(2) The Governor shall appoint:

(A) One (1) academic psychologist engaged in the 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;

(B)(i) 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.

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

(C) Two (2) psychological examiners engaged in the full-time practice of psychology; and

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

(3)(A) The academic psychologist member, the practicing psychologist members, and the psychological examiner members shall be appointed from a list of nominees provided by the Arkansas Psychological Association, the Arkansas Association of Masters in Psychology, or from any other list with the signatures of at least twenty (20) licensed psychologists or psychological examiners attached.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) Ceases to be qualified;
- (ii) Fails to attend three (3) successive board meetings without just cause as determined by the board;
- (iii) Is found to be in violation of this chapter;
- (iv) Pleads guilty or nolo contendere to or is found guilty of a felony or an unlawful act involving moral turpitude by a court of competent jurisdiction;

or

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

(b) All vacancies occurring on the board shall be filled by the Governor for the unexpired term and, for the professional members from the list of those qualified, within thirty (30) days after the vacancy occurs.

(c) The term of each member shall expire on December 31 of the year designated, and on or before that date, for the professional members, the association shall make its recommendations to the Governor for a successor appointee. A successor appointee shall be named by the Governor on or before the expiration date of the terms so expiring.

(d) Immediately and before entering upon the duties of office, the members of the board shall take the constitutional oath of office and shall file it in the office of the Governor, who upon receiving the oath of office shall issue to each member a certificate of appointment.

(e) Each member may receive expense reimbursement in accordance with § 25-16-901 et seq. However, that expense shall in no case exceed the fees collected by the board.

History. Acts 1955, No. 129, §§ 1, 4, 5; 1979, No. 939, § 1; 1983, No. 131, §§ 1-3, 5; 1983, No. 135, §§ 1-3, 5; A.S.A. 1947, §§ 6-623 — 6-626, 72-1501, 72-1504, 72-1505; Acts 1995, No. 955, § 2; 1997, No. 250, § 168; 2003, No. 1482, § 4.

17-97-202. Organization and proceedings.

- (a) The Arkansas Psychology Board shall meet and organize by electing a chair, a secretary, and a treasurer.
- (b) The board shall hold at least one (1) regular meeting each year. Called meetings may be held at the discretion of the chair or at the written request of any two (2) members of the board.
- (c) A majority of the members of the board shall at all times constitute a quorum.
- (d) The board shall adopt a seal which shall be affixed to all certificates issued by the board.

History. Acts 1955, No. 129, §§ 4, 5; A.S.A. 1947, §§ 72-1504, 72-1505; Acts 1995, No. 955, § 3; 2003, No. 1482, § 5.

17-97-203. Powers and duties.

The Arkansas Psychology Board shall:

- (1) Be empowered to hire assistants as necessary to carry on its activities, within the limits of funds available to the board;
- (2) Be empowered to accept grants from foundations or institutions;
- (3) From time to time adopt rules and regulations that comply with national guidelines and standards as it may deem necessary for the performance of its duties;
- (4) Examine and pass upon the qualifications of the applicants for the practice of psychology as provided; and
- (5) Adopt the code of ethics of the American Psychological Association to govern appropriate practices or behavior as referred to in this chapter and file the code with the Secretary of State within thirty (30) days prior to the effective date of the code of ethics.

History. Acts 1955, No. 129, §§ 5, 17; A.S.A. 1947, §§ 72-1505, 72-1517; Acts 2003, No. 1482, § 6.

17-97-204. Collection and disposition of fees.

- (a) The Arkansas Psychology Board is authorized to establish and collect various fees and penalties for services related to provision of temporary permits, printed materials, handling returned checks, costs incurred in processing delinquent payments, and other reasonable services as may be determined by the board.
- (b) These fees, along with other cash funds made available to the board, shall be used to supplement the board with adequate income to provide for the efficient and necessary operation of the board.
- (c) The fees and penalties shall be limited to the following types with the maximum amounts as indicated:

Type of Service	Maximum Charge
Photocopying, per page	\$ 1.00
Personal name change	10.00

Service charge on returned checks	20.00
Replacement of returned checks	20.00
Temporary permit	100.00
Delinquent payment	100.00
Mailing lists/labels	100.00
Verification of licensure	10.00
Delinquent CE penalty	50.00

History. Acts 1983, No. 648, § 7; A.S.A. 1947, § 72-1519; Acts 1993, No. 993, § 1; 2001, No. 1502, § 1; 2003, No. 1482, § 7.

Subchapter 3 — Licensing

17-97-301. Legislative intent — License required.

(a) The General Assembly intends this section to:

(1) Require all psychology service providers to conform to the licensing requirements of this chapter; and

(2) By conforming, protect the public's health and welfare by ensuring competence in the delivery of those services.

(b) If any person shall practice or hold himself or herself out to the public as being engaged in the practice of psychology, such as clinical, consulting, industrial, personnel, or counseling psychology, and shall not then possess in full force and virtue a valid license to practice as psychological examiner or psychologist under the provisions of this chapter, the person shall be guilty of a violation.

(c) Upon conviction, the person shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

History. Acts 1955, No. 129, §§ 6, 7; A.S.A. 1947, §§ 72-1506, 72-1507; Acts 2001, No. 1502, § 2; 2005, No. 1262, § 1; 2005, No. 1994, § 92.

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

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

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

(A) Is of good moral character;

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

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

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

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

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

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

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

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

(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;

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

(3) Passed the Arkansas complementary examination; and

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

History. Acts 1955, No. 129, § 6; A.S.A. 1947, § 72-1506; Acts 1993, No. 1219, § 24; 1997, No. 995, § 1; 1997, No. 1317, § 9; 2003, No. 1482, §§ 8, 9.

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

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

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

(A) Is of good moral character;

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

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

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

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

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

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

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

(d)(1)(A) A psychological examiner licensed before December 31, 1997, shall be granted independent practice except in neuropsychological assessment and projective personality assessment upon the Arkansas Psychology Board receiving a letter requesting independent practice and a revised statement of intent.

(B) No additional hours of clinical supervision shall be required for a license granted under subdivision (d)(1)(A) of this section.

(2) A psychological examiner licensed after December 31, 1997, shall be privileged to practice independently except in neuropsychological assessment and projective personality assessment, if the person:

(A) Has completed a master's degree program in psychology;

(B) Has completed three thousand (3,000) hours of approved clinical supervised training after making application for independent practice; and

(C) Has filed a revised statement of intent with the board and has provided documentation of having received appropriate training and experience in those areas requested for independent practice.

(3) After December 31, 2013, no new psychological examiner license shall be issued.

History. Acts 1955, No. 129, § 6; A.S.A. 1947, § 72-1506; Acts 1993, No. 1219, § 25; 1997, No. 1317, § 10; 2001, No. 1502, § 3; 2003, No. 1482, § 10; 2007, No. 505, § 2.

17-97-304. Examination.

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

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

(b)(1) The board shall require the examinations to be written or oral, or both. In any written examination, the applicant shall be designated by a number instead of his or her name so that his or her identity shall not be disclosed to the members of the board until the examination papers have been graded.

(2) The board shall grade the written examinations returned by the candidate and shall keep them for at least one (1) year.

(c) A candidate shall be held to have passed the examination upon the affirmative vote of three (3) or more members of the board.

(d) Upon written request to the board, any unsuccessful candidate may see his or her graded paper.

History. Acts 1955, No. 129, § 8; A.S.A. 1947, § 72-1508; Acts 2003, No. 1482, § 11.

17-97-305. Issuance.

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

(b) PROVISIONAL LICENSE.

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

(A) Passed the examinations prescribed by the board;

(B) Satisfied the preliminary requirements of §§ 17-97-302 and 17-97-

303; and

(C) Paid the fee for a provisional license.

(2) A provisional license holder is entitled to practice psychology under the supervision of a psychologist to meet the requirements for issuance of a license under this section.

(3) The board shall adopt rules that apply to provisional license holders identifying:

(A) The activities that holders may engage in; and

(B) Services that may be provided by holders.

(4) The board may refuse to renew the provisional license of a person who does not meet the requirements prescribed by § 17-97-303.

(c) PROVISIONAL LICENSE APPLICATION.

(1) An applicant for examination for a provisional license shall:

(A) Apply on forms prescribed by the board; and

(B) Submit the required fees with the application.

(2) The board may require that the applicant verify the application.

(d) PROVISIONAL LICENSE EXAMINATION QUALIFICATIONS.

(1) An applicant may take an examination for a provisional license if the applicant:

(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 matter and extent of training from a regionally accredited educational institution;

(B) Has attained the age of majority;

(C) Has good moral character;

(D) Is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the board;

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

(F) Has not been convicted of a crime involving moral turpitude or a felony;

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

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

(I) Has not:

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

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

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

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

History. Acts 1955, No. 129, § 13; A.S.A. 1947, § 72-1513; Acts 2001, No. 1502, § 4; 2003, No. 1482, § 12.

17-97-306. Reciprocity.

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

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

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

History. Acts 1955, No. 129, § 9; A.S.A. 1947, § 72-1509; Acts 2003, No. 1482, § 13.

17-97-307. Professional titles.

(a) Except as otherwise provided herein, it is specifically prohibited that any individual or organization, other than those licensed pursuant to this chapter, shall present himself or herself or be presented to the public by any title incorporating the name “psychological”, “psychologist”, or “psychology”.

(b)(1) Any psychological scientist employed by a recognized research laboratory, college, or university may represent himself or herself by the academic or research title conferred upon him or her by the administration of the laboratory, college, or university. Nothing in this section shall be construed as permitting those persons to offer their service to any other persons or organizations as consultants or to accept remuneration for any psychological services other than that of their institutional salaries unless they have been licensed under this chapter.

(2) Visiting lecturers from recognized laboratories, colleges, or universities are exempt from the provisions of this section and may utilize their academic or research titles when presenting lectures to similar institutions or organizations.

(3) Students of psychology, psychological interns, and other persons preparing for the profession of psychological examiner or psychologist under qualified supervision in recognized training institutions or facilities may be designated by such titles as “psychological intern”, “psychological trainee”, or other titles clearly indicating such training status.

(4)(A) Individuals who have been certified as school psychology specialists by the Department of Education shall be permitted to use the title “school psychology specialist”.

(B) Those persons shall be restricted in their practice to employment within those settings under the purview of the State Board of Education.

History. Acts 1955, No. 129, § 3; A.S.A. 1947, § 72-1503; Acts 1995, No. 279, § 1.

17-97-308. Annual registration — Failure to reregister.

(a) The Arkansas Psychology Board may adopt and enforce rules and regulations requiring every person having a license to practice to pay an annual registration fee in a sum to be fixed by the board.

(b) The fee shall become due on a date fixed by the board.

(c) Failure to pay the annual registration fee within the time stated shall automatically suspend the right of any licentiate to practice his or her profession while delinquent.

(d) An 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, i.e., twenty-four (24) months.

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

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

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

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

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

(f)(1) If any licentiate fails for three (3) consecutive years to pay the fee, then it shall be the duty of the board, without hearing or notice, to cancel his or her license subject to reinstatement.

(2) 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.

History. Acts 1955, No. 129, § 15; A.S.A. 1947, § 72-1515; Acts 2001, No. 1502, § 5; 2003, No. 1482, § 14.

17-97-309. Fees.

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

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

(b) An additional sum of two hundred dollars (\$200) shall be paid when the initial license is issued.

(c) Each licensee shall pay the board an annual fee in an amount as may be determined by the board, but not to exceed three hundred dollars (\$300) for renewal of a license.

(d) No part of any fee shall be returnable under any circumstances other than failure of the board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate.

History. Acts 1955, No. 129, § 12; 1981, No. 109, § 1; A.S.A. 1947, § 72-1512; Acts 1993, No. 993, § 2; 2003, No. 1482, § 15.

17-97-310. Denial, suspension, revocation, fine, letter of reprimand, or additional education — Grounds — Reinstatement.

(a) The Arkansas Psychology Board may refuse to grant a certificate or may suspend or revoke any 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 may require additional hours of education of a licensee on the following grounds:

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

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

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

(4) Violation of the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

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

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

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

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

(b) The board shall refuse to issue or shall revoke the license of any person who has been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-97-312(f) unless the person requests and the board grants a waiver pursuant to § 17-97-312(h).

(c)(1) Upon satisfactory proof that any applicant or licentiate has been guilty of any of the offenses listed in subsection (a) of this section, the board may refuse to grant a certificate to the applicant or may revoke a license of the licentiate upon a vote of at least three (3) members of the board.

(2) An application for reinstatement may be made to the board, and upon favorable action by three (3) of its members, the board may reinstate the applicant.

History. Acts 1955, No. 129, § 10; A.S.A. 1947, § 72-1510; Acts 1997, No. 1317, § 11; 2001, No. 1502, § 6; 2003, No. 1482, § 16; 2007, No. 827, § 138.

17-97-311. Denial, suspension, revocation, or other penalty — Proceedings.

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

(i) Is practicing psychology without a license; or
(ii) Licensed to practice in Arkansas and anyone under his or her supervision is or may be in violation of this chapter or of any of the rules and regulations adopted by the board.

(B) The board shall adopt rules to ensure that:

(i) Any individual selected by the board to conduct an investigation does not have a conflict of interest that would disqualify the individual from being an impartial investigator in the matter being investigated; and

(ii) Any investigation of a respondent in an investigated matter involves the input of an advisor who possesses qualification or experience, or both, substantially comparable to or greater than that of the investigated respondent.

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

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

(b) At the hearing the board may administer an oath and procure by its subpoenas the attendance of witnesses and the production of relevant books and papers.

(c) 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, or other penalty described in § 17-97-310 that affects a certificate or license shall be subject to review by the courts of this state in the same manner and subject to the same powers and conditions that are now provided by law in regard to rulings, orders, and findings of other quasi-judicial bodies in Arkansas where not otherwise specifically provided.

History. Acts 1955, No. 129, §§ 11, 14; A.S.A. 1947, §§ 72-1511, 72-1514; Acts 2001, No. 1502, § 7; 2003, No. 1482, § 17.

17-97-312. Criminal background checks.

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

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

(c) The applicant shall sign a release of information to the board and shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Department of Arkansas State Police shall forward to the board all information obtained concerning the applicant in the commission of any offense listed in subsection (f) of this section.

(e) At the conclusion of any background check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

(f) Except as provided in subdivision (m)(1) of this section, no person shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Negligent homicide as prohibited in § 5-10-105;
- (5) Kidnapping as prohibited in § 5-11-102;
- (6) False imprisonment in the first degree as prohibited in § 5-11-103;
- (7) Permanent detention or restraint as prohibited in § 5-11-106;
- (8) Robbery as prohibited in § 5-12-102;
- (9) Aggravated robbery as prohibited in § 5-12-103;
- (10) Battery in the first degree as prohibited in § 5-13-201;
- (11) Aggravated assault as prohibited in § 5-13-204;
- (12) Introduction of a controlled substance into the body of another person as prohibited in § 5-13-210;
- (13) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (14) Rape as prohibited in § 5-14-103;
- (15) Sexual indecency with a child as prohibited in § 5-14-110;
- (16) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;
- (17) Incest as prohibited in § 5-26-202;
- (18) Offenses against the family as prohibited in §§ 5-26-303 — 5-26-306;
- (19) Endangering the welfare of an incompetent person in the first degree as prohibited in § 5-27-201;
- (20) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (21) Permitting abuse of a minor as prohibited in § 5-27-221(a)(1) and (3);
- (22) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or

promoting a sexual performance by a child as prohibited in §§ 5-27-303 — 5-27-305, 5-27-402, and 5-27-403;

- (23) Felony adult abuse as prohibited in § 5-28-103;
- (24) Theft of property as prohibited in § 5-36-103;
- (25) Theft by receiving as prohibited in § 5-36-106;
- (26) Arson as prohibited in § 5-38-301;
- (27) Burglary as prohibited in § 5-39-201;
- (28) Felony violation of the Uniform Controlled Substances Act, §§ 5-64-101 — 5-64-608 as prohibited in § 5-64-401;
- (29) Promotion of prostitution in the first degree as prohibited in § 5-70-104;
- (30) Stalking as prohibited in § 5-71-229;
- (31) 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;
- (32) Computer child pornography as prohibited in § 5-27-603; and
- (33) Computer exploitation of a child in the first degree as prohibited in § 5-27-605.

(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) Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to 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) 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) Rights of privilege and confidentiality established in this section shall not extend to any document created for purposes other than this background check.

(l) The board shall adopt the necessary rules and regulations to fully implement the provisions of this section.

(m)(1) For purposes of this section, an expunged record of a conviction or plea of guilty of or nolo contendere to an offense listed in subsection (f) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (m)(2) of this section.

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

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

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

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

(D) Rape as prohibited in § 5-14-103;

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

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

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

(H) Arson as prohibited in § 5-38-301;

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

(J) Adult abuse that constitutes a felony as prohibited in § 5-28-103.

History. Acts 1997, No. 1317, § 12; 2003, No. 1087, § 16; 2003, No. 1385, § 1; 2003, No. 1482, § 18; 2005, No. 1923, § 3.

Subchapter 4 — Regulation of Neuropsychology Technicians

17-97-401. Technicians employed by psychologists — Supervision.

(a)(1) A technician may be employed by a licensed psychologist in the practice of neuropsychology.

(2)(A) An individual employed as a technician may be employed only in neuropsychological testing and shall be restricted to the administration and scoring of standardized objective tests.

(B) An individual employed as a technician may not administer or score projective tests.

(b)(1) A technician shall have a bachelor's degree from a regionally accredited institution, preferably with a major in psychology.

(2) The basic educational background of a technician shall include passing grades from instruction in:

- (A) Abnormal psychology;
- (B) Personality;
- (C) Psychological statistics; and
- (D) Psychological testing.

(3) As used in this subsection, “passing grade” means:

- (A) “C” in a letter grading system;
- (B) “Pass” in a pass/fail system; or
- (C) “Satisfactory” in a satisfactory/unsatisfactory grading system.

(4) A technician who has completed a degree with a nonpsychology major shall have completed course work with passing grades in the subject matter areas listed in subdivision (b)(2) of this section.

(5)(A) A technician who does not have this academic background and is currently employed by a psychologist shall be provided with specific information to supplement his or her training in neuropsychological test administration.

(B) Any technician employed by a psychologist in the future shall be required to meet the academic background specified in this section.

(c) In addition to formal university or college-based preparation, a technician shall demonstrate training and instruction in the numerous areas that pertain to his or her role as a technician as established by the Arkansas Psychology Board.

(d) It is the intent of this section that:

(1) Every effort shall be made to employ only those applicants with degrees in psychology; and

(2) For those employees who do not possess a degree in psychology, the technician, before engaging in service delivery, shall have successfully completed the requirements of this section by obtaining formal university or college course work in the courses delineated in this section.

History. Acts 2005, No. 1262, § 2; 2007, No. 827, § 139.

17-97-402. Additional training.

(a) The supervising psychologist shall make the technician aware:

(1) Of the goals of neuropsychological examination and his or her specific role in achieving those goals;

(2) Through additional training, if necessary, of appropriate institutional emergency procedures to deal with various medical emergencies such as heart attack, respiratory arrest, and seizures and of other relevant information; and

(3) In addition to medical emergencies, of recommended procedures for dealing with incompetent or adjudicated patients who attempt to leave the testing setting without authorization.

(b) The supervising psychologist shall:

(1) Train a technician to be sensitive to subtle or overt suicidal or homicidal threats or innuendoes made during testing; and

(2) Because the technician may be exposed to aggressive or sexually inappropriate behavior on the part of patients, provide the technician with specific instructions on how to handle such situations.

(c)(1) Registered technicians shall complete a one-hour ethics course each year.

(2) The course shall be documented as part of the annual statement of supervision filed by the supervising psychologist.

(d)(1) A technician shall receive training in:

(A) Ethical issues; and

(B) Methods of dealing with situations that arise in the context of assessment.

(2) A technician shall receive specific instruction in regard to:

(A) The limits of his or her role; and

(B) Relationships with:

(i) The supervising psychologist; and

(ii) Other technicians.

(3)(A) The supervising psychologist shall provide explicit guidance regarding ethical issues that pertain to the activities of a technician in neuropsychological examination.

(B) These issues include:

(i) Protection of patient confidentiality;

(ii) Protection of the confidentiality of test information regarding patients;

(iii) Maintenance and protection of test security; and

(iv) Constraints regarding dual relationships with patients or supervisors.

(e) A technician should be explicitly instructed not to present himself or herself to patients in a manner that implies any independent professional prerogatives.

(f) The supervising psychologist shall:

(1) Correct any misperceptions a technician may have about the potential for growth in the roles and responsibilities of technicians;

(2) Specifically state that test selection, interpretation, and communication of results are professional activities performed only by the supervising psychologist; and

(3) Stipulate that these roles are not and never will be within the scope of employment of the technician.

(g)(1) The supervising psychologist shall ensure that each technician employed by the psychologist has an explicit understanding of the limited nature of the technician's role in neuropsychological examination.

(2) The supervising psychologist shall clearly delineate the lines of authority between himself or herself and the technician.

(3)(A) A technician shall be made aware at the time of his or her employment that the technician's role in the overall process is important, but nonetheless is narrowly constrained.

(B) The role of the technician is strictly limited to the administration and scoring of certain test procedures that shall be selected, interpreted, and communicated by the supervising psychologist.

History. Acts 2005, No. 1262, § 2.

17-97-403. Registration.

(a)(1) Each licensed psychologist employing technicians shall:

(A) Register each technician with the Arkansas Psychology Board; and
(B) Annually submit a statement of supervision outlining the supervisory process used with each technician.

(2) Before employment, the technician shall:

(A) Be registered with the board; and

(B) Have completed a criminal background check as described for licensed psychologists under § 17-97-312.

History. Acts 2005, No. 1262, § 2.

17-97-404. Disclosure.

A licensed psychologist employing a technician or technicians shall provide to clients written disclosure concerning the limited role of technicians to clients and legal guardians of minors and to schools or third-party payors if legal or ethical guidelines require such disclosure.

History. Acts 2005, No. 1262, § 2.

17-97-405. Supervision of technicians — Supervised experience.

(a)(1) An acceptable employment setting for a technician provides ongoing neuropsychological services or scientific research in a well-defined and established program.

(2) Physical components shall be available, including office space, support staff, and equipment necessary for the technician to be successful.

(3) The setting shall meet the broad and specialized needs of the technician that are congruent with his or her job description.

(b)(1) The work setting shall provide the technician with a written document specifying the administrative policies and the roles, goals, and objectives of the technician's position.

(2) At the beginning of employment of a technician, the supervising psychologist shall develop, along with the technician, a written, individualized job description that is consistent with the qualifications of the technician and the requirements of the setting.

(3) The supervising psychologist shall determine the adequacy of the technician's preparation for the tasks to be performed.

(4) The documents required under this subsection shall serve as the foundation for the written evaluation of the technician.

(c) The setting shall include a licensed, board-approved psychologist who is legally and ethically responsible for the oversight of the integrity and quality of the services as well as other resources necessary to meet the employment needs of the technician whose technical assistance is restricted to the practice of neuropsychology and research.

(d)(1) The role of the technician shall be identified in such a way that his or her supervised status is clearly identifiable to clients, third-party payors, and other persons.

(2) Each patient or client shall be informed of the possibility of periodic meetings with the supervising psychologist at the service provider's or the supervising psychologist's request in accordance with guidelines published by the American

Psychological Association and the Association of State and Provincial Psychology Boards.

(e)(1) Work assignments shall be commensurate with the skills of the technician.

(2) All procedures shall be planned in consultation with the supervising psychologist.

(f) Public announcement of services and fees and contacts with the lay or professional community shall be offered only by or in the name of the supervising psychologist.

History. Acts 2005, No. 1262, § 2.

17-97-406. Qualifications of supervisors.

(a) A supervising psychologist shall be:

(1) Licensed to practice psychology in Arkansas;

(2) Aware of and abide by the ethical principles and state statutes pertaining to the practice of psychology in general and to supervision in particular; and

(3) Approved by the Arkansas Psychology Board to practice neuropsychology.

(b) A supervising psychologist shall have:

(1) At least three (3) years of post-licensure experience; and

(2) Had training or experience, or both, in supervision.

(c) A supervising psychologist is ethically and legally responsible for all of the professional activities of the technician.

(d)(1) A supervising psychologist shall have adequate training, knowledge, and skill to render competently any neuropsychological service which the employed technician undertakes.

(2)(A) A supervising psychologist may not permit a technician to engage in any practice that the supervising psychologist cannot perform competently himself or herself.

(B) The supervising psychologist shall interrupt or terminate the technician's activities whenever necessary to ensure adequate development of skills and the protection of the public.

(3)(A) Any written documents prepared by the technician shall include the credentials and signature of both the technician and the supervising psychologist.

(B) The name and credentials of a technician employed in the testing procedures shall be included on written reports prepared by the psychologist.

(e) A supervising psychologist or a qualified designee who meets the requirements of a supervisor shall provide twenty-four-hour availability to the technician and the technician's clients for emergency consultation and intervention.

(f)(1) A supervising psychologist shall have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan effective delivery procedures.

(2) A supervising psychologist shall provide for another qualified supervisor in case of any interruption of supervision due to such factors as the supervisor's illness, unavailability, or relocation.

(g) A supervising psychologist:

(1) Shall avoid entering into a dual relationship with a technician for whom the psychologist provides supervision;

(2) May not exploit or engage in a sexual relationship with a technician he or she employs; and

(3) Shall attempt to resolve any unforeseen interference that may be potentially harmful to the supervisory relationship with due regard for the best interests of both the client and the technician and after appropriate consultation.

(h)(1) No supervising psychologist may supervise more than three (3) technicians during any one (1) employment period.

(2) For a supervising psychologist who employs part-time technicians, “three (3) technicians” means any combination of employees that totals three (3) full-time equivalents but no more than eight (8) part-time technicians during any one (1) employment period.

History. Acts 2005, No. 1262, § 2.