

ACT 129
SIGNED BY THE GOVERNOR MARCH 2, 1955

AN ACT TO REGULATE THE PRACTICE OF PSYCHOLOGISTS IN
ARKANSAS, INCLUDING INSTRUCTIONS THEREIN; TO CREATE A BOARD
TO BE KNOWN AS ARKANSAS BOARD OF EXAMINERS IN PSYCHOLOGY;
AND TO FIX PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

SECTION 1. BOARD CREATION

SECTION 2. DEFINITION OF PRACTICE OF PSYCHOLOGY

SECTION 3. USE OF TITLE

SECTION 4. BOARD OF EXAMINERS--Term

SECTION 5. OATH OF OFFICE

SECTION 6. HOW TO OBTAIN LICENSES: QUALIFICATION OF APPLICANTS FOR EACH LEVEL

SECTION 7. PRACTICE WITHOUT LICENSE PROHIBITED

SECTION 8. EXAMINATION OF APPLICANTS

SECTION 9. LICENSURE UNDER SPECIAL CONDITIONS

SECTION 10. SUSPENSION, REFUSAL, OR REVOCATION OF LICENSE

SECTION 11. HEARING ON REFUSAL, REVOCATION, SUSPENSION

SECTION 12. FEES: AMENDED 1981: NO. 109

SECTION 13. ISSUANCE OF CERTIFICATE OR LICENSE

SECTION 14. REVIEW OF BOARDS RULING

SECTION 15. ANNUAL REGISTRATION

SECTION 16. PRIVILEGED COMMUNICATIONS

SECTION 17. CODE OF ETHICS

SECTION 18. SEVERABLE PROVISIONS OF THIS ACT

SECTION 19. INTENTION

SECTION 20. EFFECTIVE DATE

An ACT to regulate the practice of Psychologists in Arkansas, including instructions therein; to create a Board to be known as the Arkansas Board of Examiners in Psychology; to prescribe the duties and powers of said Board; and to fix penalties for violations of its provisions.

Be It Enacted by The General Assembly of The State of Arkansas:

SECTION 1. There is hereby created a Board to be known as Arkansas Board of Examiners in Psychology composed of five members, appointed by the Governor of Arkansas within sixty days after the effective date of this Act, in the manner and for the terms of office as hereinafter provided.

SECTION 2. DEFINITION OF PRACTICE OF PSYCHOLOGY:

Two levels of psychological practice are defined for the purpose of this Act. Such levels are to be known and are hereinafter referred to as (a) Psychological Examiner and (b) Psychologist.

A. A person practices as a Psychological Examiner within the meaning of this act when he holds himself out to be a Psychological Examiner, or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics, for such purposes as psychological evaluation or for educational or vocational selection, guidance or placement. The Psychological Examiner practices the following only under qualified supervision; overall personality appraisal or classification, personality counseling, psychotherapy or personality readjustment techniques.

B. A person practices as a Psychologist within the meaning of this Act when he holds himself out to be a Psychologist, or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics, for such purposes as psychological evaluation or for educational or vocational selection, guidance or placement, or for such purposes as overall personality appraisal or classification, personality counseling, psychotherapy or personality readjustment.

C. Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electroshock or in any way infringing upon the practice of medicine as defined in the laws of this State. The Psychologist or Psychological Examiner who engages in psychotherapy must establish and maintain effective inter-communication with a qualified psychiatrist, to make provision for the diagnosis and treatment of medical problems by a physician licensed under the laws of Arkansas. A Psychologist or Psychological Examiner must not attempt to diagnose, prescribe for, treat or advise a client with reference to problems or complaints falling outside the boundaries of psychological practice.

SECTION 3. USE OF TITLE:

It is specifically prohibited that an individual or organization shall present himself or be presented to the public by a title incorporating the name Psychological, Psychologist, Psychology or other than those so licensed by this Act except that any psychological scientist employed by a recognized research laboratory, college or university may represent himself by the academic or research title conferred upon him by the administration of such laboratory, college or university. Nothing in this section shall be construed as permitting such persons to offer their service to any other persons or organizations as consultant or to accept remuneration for any psychological service other than that of their institutional salaries unless they have been licensed under this Act. Visiting lecturers from recognized laboratories, colleges or universities are exempt from the provisions of this section and may utilize their academic or research title when presenting lectures to similar institutions or organizations. Students of psychology, psychological interns and other persons preparing for the professions 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 others clearly indicating such training status.

SECTION 4. BOARD OF EXAMINERS--Term:

There is hereby created a State Board of Examiners in Psychology, hereinafter referred to as the Board, to consist of seven (7) members who shall be appointed by the Governor under conditions hereinafter set forth. Within thirty (30) days after the effective date of this Act, the Arkansas Psychological Association shall submit to the Governor their recommendation of the members to be appointed, and the Governor shall act promptly by making said appointments for the terms hereinafter set forth. Selection shall be from recommendation by the Association which shall name four (4) academic psychologists, from which two (2) members shall be appointed; and six (6) practicing psychologists, from which three (3) members shall be appointed; and two (2) psychological examiners, from which one (1) shall be appointed. In addition, the Governor shall appoint one (1) consumer member, pursuant to Act 113 of 1977, the same being Arkansas Statutes 6617. All vacancies occurring on the Board shall be filled by the Governor for the unexpired term from said list of qualified members, within thirty (30) days after the vacancy occurs. The members first appointed on the Board shall be designated as serving from one (1) to five (5) year terms, respectively, in order to provide staggered terms for service on said Board, and thereafter all appointments shall be for five (5) year terms. Terms of each member shall expire on December 31 of the year designated, and on or before that date the Society indicated shall make its recommendations to the Governor for a successor appointee and such successor appointee shall be named by the Governor on or before the expiration date of the terms so expiring.

Within thirty (30) days after their appointment, the Board shall meet and organize by electing a Chairman, Secretary and Treasurer. (Acts 1955, No. 129; 1979, No. 939).

SECTION 5. OATH OF OFFICE:

Immediately and before entering upon the duties of said office the members of the Board of

Examiners in Psychology shall take the constitutional oath of office, and shall file same in the office of the Governor, who, upon receiving said oath of office, shall issue to each member a certificate of appointment. Each member shall receive all necessary expenses incident to holding meetings: provided, however, that expense shall in no case exceed the fees collected by said Board. The Board shall hold at least one regular meeting each year. Called meetings may be held at the discretion of the Chairman or at the written request of any two members of the Board. Said Board shall adopt a seal, which must be affixed to all certificates issued by the Board. The Board shall from time to time adopt such rules and regulations as they may deem necessary for the performance of their duties, and shall examine and pass upon the qualifications of the applicants for the practice of psychology as herein provided. Three members of the Board shall at all times constitute a quorum. The Board shall be empowered to hire such assistants as necessary to carry on its activities, within the limits of funds available to the Board, and shall be empowered to accept grants from foundations or institutions.

SECTION 6. HOW TO OBTAIN LICENSES: QUALIFICATION OF APPLICANTS FOR EACH LEVEL:

Any person wishing to obtain the right to practice as a Psychological Examiner, who has not heretofore been licensed to do so, shall, before it shall be lawful for him to practice as a Psychological Examiner, make application to the Board of Examiners in Psychology through the Chairman, upon such form and in such manner as shall be adopted and prescribed by the Board, and obtain from the Board a license to do so, unless such a person has obtained a license as aforesaid, it shall be unlawful for him to practice, and if he shall practice as a Psychological Examiner without first having obtained such a license, he shall be deemed to have violated the provisions of this Act. A candidate for such license shall furnish the Board with satisfactory evidence that he (a) is of good moral character, (b) has had two academic years of graduate training in psychology including a master's degree from an accredited educational institution recognized by the Board as maintaining satisfactory standards, or, in lieu thereof, such training and experience as the Board shall consider equivalent thereto, (c) is competent as a Psychological Examiner as shown by passing such examinations, written or oral, or both, as the Board deems necessary, (d) is not considered by the Board to be engaged in unethical practice, and (e) has not within the preceding six months failed an examination given by the Board. Provided that the Board may at its discretion accept satisfactory substitute training and experience in lieu of that prescribed in subsection (b) hereof. The Board may in its discretion refuse to grant a license to an applicant who is not an American citizen.

B. 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 before it shall be lawful for him to practice psychology, make application to the Board of Examiners in Psychology through the Chairman upon such form and in such manner as shall be adopted and prescribed by the Board, and obtain from the Board a license to do so. Unless such a person has obtained a license as aforesaid, it shall be unlawful for him to practice, and if he shall practice psychology without first having obtained a license, he shall be deemed to have violated the provisions of this Act. A candidate for such license shall furnish the Board with satisfactory evidence that he (a) is of good moral character; (b) has received a doctorate 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 degree, a doctorate degree in a closely allied field, if it is the opinion of the Board that the training required thereof is substantially similar; (c) has had at least one year of experience in psychology of a type considered by the Board to be qualifying in nature, (d) is competent in psychology, as shown by passing such examinations, written or oral, or both, as the Board deems necessary; (e) is not considered by the Board to be engaged in unethical practice and (f) has not within the preceding six months failed an examination given by the Board; provided, that the Board may at its discretion accept satisfactory substitute training and experience in lieu of that prescribe herein. The Board may in its discretion refuse to grant a license to an applicant who is not an American citizen.

SECTION 7. PRACTICE WITHOUT LICENSE PROHIBITED:

If any person shall hold himself 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 a Psychological Examiner or Psychologist under the provisions of this Act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than five hundred dollars.

Nothing in this Act shall be construed to limit the professional pursuits of teachers and counselors in recognized public and private schools, clergymen, practitioners of medicine, or social workers, from full performance of their professional duties. However, in such performance any title used must be in accord with Section 3 of this Act. Students of psychology, psychological interns and other persons preparing for the profession of Psychological Examiner or Psychologist, may perform as a part of their training the functions specified in Section 2 hereof, but only under qualified supervision. Use of Psychological techniques by government institutions, business, and industrial organizations for employment purposes, evaluation, promotion or job adjustment of their own officers or employees or by employment agencies for the evaluation of their own clients prior to recommendation for employment is also specifically allowed. However, no industrial or business firm or corporation may sell or offer to the public or to other firms or corporations for remuneration any psychological services as specified in Section 2, unless such services are supervised by individuals duly and appropriately licensed under this Act.

SECTION 8. EXAMINATION OF APPLICANTS:

Examination of applicants for a license to practice psychology or as Psychological Examiner shall be made by the Board of Examiners in Psychology at least once 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. Such examinations shall include the basic psychological sciences which shall be in lieu of the Basic Sciences referred to in Section 1 of Act. No. 147 of 1929 as amended by Act No. 356 of 1949. The Board shall require the examinations to be written or oral, or both, provided that in any written examination such applicant shall be designated by a number instead of his name so that his identity shall not be disclosed to the members of the Board until the examination papers have been graded. The Board shall grade the written examinations returned by the candidate and shall keep them for at least one year. A candidate shall be held to have passed the

examination upon the affirmative vote of three or more members of the Board. Any unsuccessful candidate may upon written request to the Board, see his graded paper.

SECTION 9. LICENSURE UNDER SPECIAL CONDITIONS:

For a period of two years from the effective date of this Act the Board may waive either or both an assembled examination or the requirements as provided in this Act if it deems such act to be in the public interest; and may grant the appropriate license upon payment of the required fee to any person who meets the requirements of this Act who is qualified by experience to practice the appropriate level of psychology, and who has engaged in such practice of a nature satisfactory to the Board for at least three years full time, or its equivalent, within three years prior to the effective date of this Act. The Board may also at its discretion grant a certificate without an assembled examination to any person residing or employed in the State who 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 Act, or who has been practicing psychology in another State and has qualifications not lower than those required by this Act, and is able to satisfy the Board that to grant him a license would be in the public interest.

SECTION 10. SUSPENSION, REFUSAL, OR REVOCATION OF LICENSE:

The Board of Examiners in Psychology may refuse to grant a certificate, or may recommend suspension of any such license for a period to be determined by the Board, on the following grounds: The employment of fraud or deception in applying for a license or in passing the examination provided for in this Act; conviction of felony; the practice of psychology under a false or assumed name or the impersonation of another practitioner of a like or different name; habitual intemperance in the use of ardent spirits, narcotics, or stimulants to such an extent as to incapacitate him for the performance of his duties; violation of the medical practices act; practice of a level of psychology inappropriate to the particular license held by the licentiate; upon recommendation of the ethics committee of the Arkansas Psychological Association or of the American Psychological Association; or negligence or wrongful action in the performance of his duties. Said Board may, upon satisfactory proof that any applicant or licentiate has been guilty of any of the above offenses, refuse to grant a certificate to said applicant or may revoke a license or said licentiate upon a vote of at least 3 members of the Board. An application for reinstatement may be made to the Board, and it may, upon favorable action by 3 of its members reinstate the applicant.

SECTION 11. HEARING ON REFUSAL, REVOCATION, SUSPENSION:

The Board may not recommend suspension or revocation of licensure, or refuse to issue or to renew any certificate for any cause listed herein, unless the person accused has been given at least 20 days notice in writing by registered mail, with return receipt demanded, of the charges against him and a public hearing by the Board. The written notice shall be mailed to the person's last known address, but the non-appearance of the person shall not prevent such a hearing. Upon such a hearing the Board may administer oath and procure by its subpoenas the attendance of witnesses and the production of relevant books and papers.

SECTION 12. FEES: AMENDED 1981: NO. 109:

Section 12 of Act 129 of 1955, the same being Section 72-1512 of the Arkansas Statutes, is hereby amended to read as follows:

Section 12. There shall be paid to the Board Chairman by each applicant for a permanent license an application fee of Fifty Dollars (\$50.00), together with an additional fee, to be determined by the Board, but in no event shall the amount of such additional fee exceed the sum of Fifty Dollars (\$50.00), as deemed necessary to defray the cost of acquiring and administering the examination test and related expenses in connection therewith, plus the additional sum of Fifty Dollars (\$50.00) when the initial license is issued. Each licensee shall pay the Board an annual fee in such amount as may be determined by the Board, but not to exceed One Hundred dollars (\$100.00) for renewal of a license. No part of any fee shall be returnable under any circumstances other than failure of the Board to hold examination at the time originally announced, whereupon the entire fee may be returned at the option of the candidate.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. If any provision of this Act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this Act are declared to be severable.

SECTION 13. ISSUANCE OF CERTIFICATE OR LICENSE:

Said Board shall be the sole agency empowered to examine concerning competence in the practice of psychology, and to grant license for the practice of psychology at the appropriate level. Such license shall be signed by the chairman of the Board of Examiners in Psychology attested by the Secretary under the Board's adopted seal, whereupon a proper license shall be issued in accordance with the foregoing.

SECTION 14. REVIEW OF BOARDS RULING:

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 or revocation of 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 as now provided by law in regard to rulings, orders and findings of other quasi judicial bodies in Arkansas, where not otherwise specifically provided.

SECTION 15. ANNUAL REGISTRATION:

The Board shall have authority to adopt and enforce rules and regulations requiring every person having a license to practice, which is granted by said Board, to pay an annual registration fee, in a sum to be fixed by the Board.

Said fee shall become due on a date fixed by the Board.

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.

If any licentiate fails for three consecutive years to pay said fees, 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 16. PRIVILEGED COMMUNICATIONS:

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

SECTION 17. CODE OF ETHICS:

The Board of Examiners shall adopt a Code of Ethics of the American Psychological Association to govern appropriate practices or behavior as referred to herein, and shall file such code with the Secretary of State within 30 days prior to the effective date of such code.

SECTION 18. SEVERABLE PROVISIONS OF THIS ACT:

Each and every provision and section of the Act shall be construed as severable from each other provision and section of the Act, and the unconstitutionality of any part of this Act shall not invalidate any other part thereof, the General Assembly hereby expressly declaring that this Act would have been passed with any such unconstitutional provision elided therefrom.

SECTION 19. INTENTION:

It is intended that the provisions of the Act be in accordance with and consistent with the Medical Practices Act, and that the practice of psychology as prescribed in this Act does not infringe on the practice of medicine.

SECTION 20. EFFECTIVE DATE:

This Act shall take effect and be in force from and after July 1, 1955. All laws and parts of laws in conflict herewith are hereby repealed.

Approved March 2, 1955.