

West's Arkansas Code Annotated

Title 17. Professions, Occupations, and Businesses

Subtitle 3. Medical Professions (Chapters 80 to 107)

Chapter 97. Psychologists and Psychological Examiners

A.C.A. T. 17, Subt. 3, Ch. 97, Refs & Annos

Currentness

### Editors' Notes

#### RENUMBERING

<Chapter 97, "Psychologists and Psychological Examiners", was renumbered from former § 17-96-101 et seq. in 1995.>

<Former Chapter 97, "Speech-Language Pathologists and Audiologists", was renumbered as § 17-100-101 et seq. in 1995.>

A.C.A. T. 17, Subt. 3, Ch. 97, Refs & Annos, AR ST T. 17, Subt. 3, Ch. 97, Refs & Annos

The constitution and statutes are current through the 2024 Fiscal Session and 2024 Second Extraordinary Session of the 94th Arkansas General Assembly. Some statute sections may be more current; see credits for details. Also included are changes made by the Arkansas Code Revision Commission received through June 30, 2024.

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Subchapter 1. General Provisions

A.C.A. § 17-97-101

§ 17-97-101. Intent of provisions

Currentness

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

#### Credits

Acts of 1955, Act 129, § 19.

**Formerly** A.S.A. 1947, § 72-1518.

A.C.A. § 17-97-101, AR ST § 17-97-101

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A.C.A. § 17-97-102

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

Effective: August 1, 2023

Currentness

(a) As used in this chapter:

(1) "Forensic psychological assessment" means the practice of psychology when applied to scientific, technical, or specialized knowledge of psychology to the law to assist in addressing legal, contractual, and administrative matters, including without limitation:

(A) Fitness to proceed evaluations;

(B) Criminal responsibility and culpable mental state evaluations;

(C) Hearings related to eligibility for death penalty for a person with an intellectual disability;

(D) Mitigation evaluations;

(E) Evaluations concerning a person's capacity to waive Miranda rights;

(F) Civil damages, personal injury, disability, and worker's compensation evaluations;

(G) Parental fitness and child custody evaluations;

(H) Evaluations related to guardianship and testamentary capacity; and

(I) Evaluation concerning juvenile transfers and waivers hearings;

(2)(A) "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:

(i) Preventing or eliminating symptomatic, maladaptive, or undesired behavior;

(ii) Enhancing interpersonal relationships, work and life adjustment, personal effectiveness, and behavioral and mental health; and

(iii) Consulting, teaching, and research.

(B) "Practice of psychology" includes without limitation:

(i) 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;

(ii)(a) 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.

(b) Treatment includes without limitation providing:

(1) Counseling;

- (2) Psychotherapy;
  - (3) Marital and family therapy;
  - (4) Group therapy;
  - (5) Behavior therapy;
  - (6) Psychoanalysis;
  - (7) Hypnosis;
  - (8) Biofeedback;
  - (9) Other psychological interventions that aim to modify and adjust perceptions, habits, or conduct; and
  - (10) The psychological aspects of physical illness, pain, injury, or disability; and
- (iii) Psychological consulting, which consists of:
- (a) Interpreting or reporting on scientific theory or research in psychology;
  - (b) Rendering expert psychological opinion or clinical psychological opinion;
  - (c) Evaluating and engaging in applied psychological research;
  - (d) Program or organizational development; and

(e) Administration, supervision, and evaluation of psychological services.

(C) The practice of psychology may be rendered:

(i) To individuals, families, groups, organizations, institutions, and the public; and

(ii) Whether or not payment is received for services rendered.

(3) “Psychological examiner” means a person who holds himself or herself out to be a psychological examiner or renders to individuals or to the public for remuneration of any service involving the practice of psychology either:

(A) Independently 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 diagnosis of mental health disorders or educational or vocational selection, guidance, or placement; or

(B) Only under the supervision of a qualified psychologist if the service is not listed in subdivision (a)(2)(A) of this section; and

(4) “Psychologist” means a person who holds himself or herself out to be a psychologist or renders to individuals or to the public for remuneration of any service involving the practice of psychology.

(b) Unless the context otherwise requires, two (2) levels of psychological practice, psychological examiner and psychologist, are defined for the purpose of this chapter.

(c) This section does not permit 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.

### **Credits**

Acts of 1955, Act 129, § 2; Acts of 1995, Act 955, § 1; Acts of 2003, Act 1482, § 1, eff. July 16, 2003; Acts of 2007, Act 505, § 1, eff. July 31, 2007; Acts of 2017, Act 252, § 16, eff. Aug. 1, 2017; Acts of 2023, Act 573, §§ 1, 2, eff. Aug. 1, 2023.

**Formerly** A.S.A. 1947, § 72-1502.

### **Notes of Decisions (2)**

A.C.A. § 17-97-102, AR ST § 17-97-102

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Subchapter 1. General Provisions

A.C.A. § 17-97-103

§ 17-97-103. Exceptions generally

Effective: August 1, 2017

Currentness

(a) This chapter does not prohibit:

(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;

(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; or

(6) The practice of psychology through a program in partnership with federal Innovative Readiness Training if the psychologist or psychological examiner has obtained a license to practice from another state, commonwealth, territory, or the District of Columbia.



(b) A person 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.

**Credits**

Acts of 1955, Act 129, § 7; Acts of 2003, Act 1482, § 2, eff. July 16, 2003; Acts of 2017, Act 205, § 8, eff. Aug. 1, 2017.

**Formerly** A.S.A. 1947, § 72-1507.


A.C.A. § 17-97-103, AR ST § 17-97-103

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 KeyCite Red Flag - Severe Negative Treatment  
KeyCite Red Flag Negative Treatment§ 17-97-104. Repealed by Acts of 2003, Act 1482, § 3, eff. July 16, 2003

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A.C.A. § 17-97-104

§ 17-97-104. Repealed by Acts of 2003, Act 1482, § 3, eff. July 16, 2003

Currentness

### Credits

Acts of 2003, Act 1482, § 3, eff. July 16, 2003.

**Formerly** A.S.A. 1947, § 72-1507n; Acts of 1979, Act 897, §§ 2 to 4.

A.C.A. § 17-97-104, AR ST § 17-97-104

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A.C.A. § 17-97-105

§ 17-97-105. Confidential relations and communications

Currentness

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.

**Credits**

Acts of 1955, Act 129, § 16.

**Formerly** A.S.A. 1947, § 72-1516.

[Notes of Decisions \(2\)](#)

A.C.A. § 17-97-105, AR ST § 17-97-105

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Subchapter 2. Arkansas Psychology Board

A.C.A. T. 17, Subt. 3, Ch. 97, Subch. 2, Refs & Annos

Currentness

A.C.A. T. 17, Subt. 3, Ch. 97, Subch. 2, Refs & Annos, AR ST T. 17, Subt. 3, Ch. 97, Subch. 2, Refs & Annos

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Subchapter 2. Arkansas Psychology Board (Refs & Annos)

A.C.A. § 17-97-201

§ 17-97-201. Creation--Composition

Effective: July 24, 2019

Currentness

(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 education 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 by the Governor after consulting the Arkansas Psychological Association, Inc. and the Arkansas Association of Masters in Psychology, Inc. and subject to confirmation by the Senate.

(B)(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.

(C)(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, Inc., the Arkansas Association of Masters in Psychology, Inc., or the American Psychological Association.

(5)(A) The Governor shall fill all vacancies on the board within thirty (30) days after the vacancy occurs.

(B) 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 listed under § 17-3-102 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.

### Credits

Acts of 1955, Act 129, §§ 1, 4, 5; Acts of 1979, Act 939, § 1; Acts of 1983, Act 131, §§ 1 to 3, 5; Acts of 1983, Act 135, §§ 1 to 3, 5; Acts of 1995, Act 955, § 2; Acts of 1997, Act 250, § 168, eff. Feb. 24, 1997; Acts of 2003, Act 1482, § 4, eff. July 16,

§ 17-97-201. Creation--Composition, AR ST § 17-97-201

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2003; Acts of 2015, Act 1100, §§ 39, 40, eff. July 22, 2015; Acts of 2019, Act 990, § 105, eff. July 24, 2019.

**Formerly** A.S.A. 1947, §§ 6-623 to 6-626, 72-1501, 72-1504, 72-1505.

A.C.A. § 17-97-201, AR ST § 17-97-201

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Subchapter 2. Arkansas Psychology Board (Refs & Annos)

A.C.A. § 17-97-202

§ 17-97-202. Organization--Meetings--Quorum--Seal

Currentness

- (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 of the Arkansas Psychology Board 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.

#### Credits

Acts of 1955, Act 129, §§ 4, 5; Acts of 1995, Act 955, § 3; Acts of 2003, Act 1482, § 5, eff. July 16, 2003.

**Formerly** A.S.A. 1947, §§ 72-1504, 72-1505.

A.C.A. § 17-97-202, AR ST § 17-97-202

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A.C.A. § 17-97-203

§ 17-97-203. Powers and duties

Effective: July 24, 2019

Currentness

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 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 before the effective date of the code of ethics.

#### Credits

Acts of 1955, Act 129, §§ 5, 17; Acts of 2003, Act 1482, § 6, eff. July 16, 2003; Acts of 2019, Act 315, § 1633, eff. July 24, 2019.

**Formerly** A.S.A. 1947, §§ 72-1505, 72-1517.

Notes of Decisions (4)

A.C.A. § 17-97-203, AR ST § 17-97-203

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Subchapter 2. Arkansas Psychology Board (Refs & Annos)

A.C.A. § 17-97-204

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

Effective: July 1, 2019

Currentness

(a) The Arkansas Psychology Board may establish 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 and the Department of Health is authorized to collect such fees and penalties.

(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

**Credits**

Acts of 1983, Act 648, § 7; Acts of 1993, Act 993, § 1; Acts of 2001, Act 1502, § 1, eff. Aug. 13, 2001; Acts of 2003, Act 1482, § 7, eff. July 16, 2003; Acts of 2019, Act 910, § 4903, eff. July 1, 2019.

**Formerly** A.S.A. 1947, § 72-1519.

A.C.A. § 17-97-204, AR ST § 17-97-204

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Subchapter 3. Licensing

A.C.A. T. 17, Subt. 3, Ch. 97, Subch. 3, Refs & Annos

Currentness

A.C.A. T. 17, Subt. 3, Ch. 97, Subch. 3, Refs & Annos, AR ST T. 17, Subt. 3, Ch. 97, Subch. 3, Refs & Annos

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-301

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

Currentness

(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).

**Credits**

Acts of 1955, Act 129, §§ 6, 7; Acts of 2001, Act 1502, § 2, eff. Aug. 13, 2001; Acts of 2005, Act 1262, § 1, eff. Aug. 12, 2005; Acts of 2005, Act 1994, § 92, eff. Aug. 12, 2005.

**Formerly** A.S.A. 1947, §§ 72-1506, 72-1507.

A.C.A. § 17-97-301, AR ST § 17-97-301

The constitution and statutes are current through the 2024 Fiscal Session and 2024 Second Extraordinary Session of the 94th

**§ 17-97-301. Legislative intent--License required, AR ST § 17-97-301**

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Arkansas General Assembly. Some statute sections may be more current; see credits for details. Also included are changes made by the Arkansas Code Revision Commission received through June 30, 2024.

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-302

§ 17-97-302. Applications--Qualifications

Effective: July 24, 2019

Currentness

(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) 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;

(B) 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;

(C) Is competent in psychology, 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 § 17-3-102; 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) 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 of the board.

#### Credits

Acts of 1955, Act 129, § 6; Acts of 1993, Act 1219, § 24; Acts of 1997, Act 995, § 1; Acts of 1997, Act 1317, § 9, eff. Oct. 1, 1997; Acts of 2003, Act 1482, §§ 8, 9, eff. July 16, 2003; Acts of 2019, Act 315, § 1634, eff. July 24, 2019; Acts of 2019, Act 990, § 106, eff. July 24, 2019.

**Formerly** A.S.A. 1947, § 72-1506.

A.C.A. § 17-97-302, AR ST § 17-97-302

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Chapter 97. Psychologists and Psychological Examiners (Refs & Annos)

Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-303

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

Effective: August 1, 2023

Currentness

(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) 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;

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

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

(D) 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 § 17-3-102; and

(E) 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 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, forensic psychological assessment, and projective personality assessment upon the board's 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, forensic psychological 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) A psychological examiner licensed after December 31, 2024, shall not be granted independent practice status if he or she submits an application to the board for independent practice.

### **Credits**

Acts of 1955, Act 129, § 6; Acts of 1993, Act 1219, § 25; Acts of 1997, Act 1317, § 10, eff. Oct. 1, 1997; Acts of 2001, Act 1502, § 3, eff. Aug. 13, 2001; Acts of 2003, Act 1482, § 10, eff. July 16, 2003; Acts of 2007, Act 505, § 2, eff. July 31, 2007; Acts of 2019, Act 315, § 1635, eff. July 24, 2019; Acts of 2019, Act 990, § 107, eff. July 24, 2019; Acts of 2023, Act 573, § 3, eff. Aug. 1, 2023.

**Formerly** A.S.A. 1947, § 72-1506.

A.C.A. § 17-97-303, AR ST § 17-97-303

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-304

§ 17-97-304. Examination

Currentness

(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.

#### Credits

Acts of 1955, Act 129, § 8; Acts of 2003, Act 1482, § 11, eff. July 16, 2003.

Formerly A.S.A. 1947, § 72-1508.

A.C.A. § 17-97-304, AR ST § 17-97-304

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-305

§ 17-97-305. Issuance

Effective: July 24, 2019

Currentness

(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.

(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)(A).

(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;

(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; or

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

(B) Has attained the age of majority;

(C) [Repealed by [Acts of 2019, Act 990, § 108, eff. July 24, 2019.](#)]

(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 felony listed under [§ 17-3-102](#);

(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\(b\)\(1\)\(A\)](#) 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 in clinical, school, and industrial counseling.

### Credits

Acts of 1955, Act 129, § 13; Acts of 2001, Act 1502, § 4, eff. Aug. 13, 2001; Acts of 2003, Act 1482, § 12, eff. July 16, 2003; Acts of 2019, Act 887, §§ 1, 2, eff. July 24, 2019; Acts of 2019, Act 990, §§ 108, 109, eff. July 24, 2019.

**Formerly** A.S.A. 1947, § 72-1513.

A.C.A. § 17-97-305, AR ST § 17-97-305

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-306

§ 17-97-306. Reciprocity

Currentness

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.

#### Credits

Acts of 1955, Act 129, § 9; Acts of 2003, Act 1482, § 13, eff. July 16, 2003.

**Formerly** A.S.A. 1947, § 72-1509.

A.C.A. § 17-97-306, AR ST § 17-97-306

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-307

§ 17-97-307. Unlawful use of title

Effective: July 1, 2019

Currentness

(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 Division of Elementary and Secondary 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.

**Credits**

Acts of 1955, Act 129, § 3; Acts of 1995, Act 279, § 1; Acts of 2019, Act 910, § 2250, eff. July 1, 2019.

**Formerly** A.S.A. 1947, § 72-1503.

A.C.A. § 17-97-307, AR ST § 17-97-307

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-308

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

Effective: July 24, 2019

Currentness

(a) The Arkansas Psychology Board may adopt and enforce rules 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 rule 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 professional qualifications of the applicant as in the case of an original application.

### Credits

Acts of 1955, Act 129, § 15; Acts of 2001, Act 1502, § 5, eff. Aug. 13, 2001; Acts of 2003, Act 1482, § 14, eff. July 16, 2003; Acts of 2019, Act 315, §§ 1636, 1637, eff. July 24, 2019; Acts of 2019, Act 990, § 110, eff. July 24, 2019.

**Formerly** A.S.A. 1947, § 72-1515.

A.C.A. § 17-97-308, AR ST § 17-97-308

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A.C.A. § 17-97-309

§ 17-97-309. Fees

Currentness

(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.

**Credits**

Acts of 1955, Act 129, § 12; Acts of 1981, Act 109, § 1; Acts of 1993, Act 993, § 2; Acts of 2003, Act 1482, § 15, eff. July 16, 2003.

**Formerly** A.S.A. 1947, § 72-1512.

A.C.A. § 17-97-309, AR ST § 17-97-309

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A.C.A. § 17-97-310

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

Effective: July 24, 2019

Currentness

(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, Inc. 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 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.

#### Credits

Acts of 1955, Act 129, § 10; Acts of 1997, Act 1317, § 11, eff. Oct. 1, 1997; Acts of 2001, Act 1502, § 6, eff. Aug. 13, 2001; Acts of 2003, Act 1482, § 16, eff. July 16, 2003; Acts of 2007, Act 827, § 138, eff. July 31, 2007; Acts of 2019, Act 315, § 1638, eff. July 24, 2019.

**Formerly** A.S.A. 1947, § 72-1510.

A.C.A. § 17-97-310, AR ST § 17-97-310

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-311

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

Effective: July 24, 2019

Currentness

(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 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.

#### Credits

Acts of 1955, Act 129, §§ 11, 14; Acts of 2001, Act 1502, § 7, eff. Aug. 13, 2001; Acts of 2003, Act 1482, § 17, eff. July 16, 2003; Acts of 2019, Act 315, § 1639, eff. July 24, 2019.

**Formerly** A.S.A. 1947, §§ 72-1511, 72-1514.

A.C.A. § 17-97-311, AR ST § 17-97-311

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Subchapter 3. Licensing (Refs & Annos)

A.C.A. § 17-97-312

§ 17-97-312. Criminal background checks

Effective: July 24, 2019

Currentness

(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 Division 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 Division 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 Division of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant.

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

(f) For purposes of this section, the board shall follow the licensing restrictions based on criminal records under [§ 17-3-102](#).

(g) 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.

(h)(1) Any information received by the board from the Identification Bureau 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 division.

(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.

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

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

#### Credits

Acts of 1997, Act 1317, § 12, eff. Oct. 1, 1997; Acts of 2003, Act 1087, § 16, eff. July 16, 2003; Acts of 2003, Act 1385, § 1, eff. July 16, 2003; Acts of 2003, Act 1482, § 18, eff. July 16, 2003; Acts of 2005, Act 1923, § 3, eff. Aug. 12, 2005; Acts of 2011, Act 570, § 122, eff. July 27, 2011; Acts of 2017, Act 367, §§ 19, 20, eff. Aug. 1, 2017; Acts of 2017, Act 664, §§ 13, 14, eff. Aug. 1, 2017; Acts of 2019, Act 315, § 1640, eff. July 24, 2019; Acts of 2019, Act 990, § 111, eff. July 24, 2019.

A.C.A. § 17-97-312, AR ST § 17-97-312

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Chapter 97. Psychologists and Psychological Examiners (Refs & Annos)

Subchapter 4. Neuropsychological Technicians

A.C.A. § 17-97-401

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

Effective: July 31, 2007

Currentness

(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.

## Credits

**§ 17-97-401. Technicians employed by psychologists--Supervision, AR ST § 17-97-401**

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Acts of 2005, Act 1262, § 2, eff. Aug. 12, 2005; Acts of 2007, Act 827, § 139, eff. July 31, 2007.

A.C.A. § 17-97-401, AR ST § 17-97-401

The constitution and statutes are current through the 2024 Fiscal Session and 2024 Second Extraordinary Session of the 94th Arkansas General Assembly. Some statute sections may be more current; see credits for details. Also included are changes made by the Arkansas Code Revision Commission received through June 30, 2024.

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West's Arkansas Code Annotated

Title 17. Professions, Occupations, and Businesses (Refs & Annos)

Subtitle 3. Medical Professions (Chapters 80 to 107) (Refs & Annos)

Chapter 97. Psychologists and Psychological Examiners (Refs & Annos)

Subchapter 4. Neuropsychological Technicians

A.C.A. § 17-97-402

§ 17-97-402. Additional training

Currentness

(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.

### Credits

Acts of 2005, Act 1262, § 2, eff. Aug. 12, 2005.

**§ 17-97-402. Additional training, AR ST § 17-97-402**

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A.C.A. § 17-97-402, AR ST § 17-97-402

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Subchapter 4. Neuropsychological Technicians

A.C.A. § 17-97-403

§ 17-97-403. Registration

Currentness

(a) Each licensed psychologist employing technicians shall:

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

(b) Before employment, the technician shall:

- (1) Be registered with the board; and
- (2) Have completed a criminal background check as described for licensed psychologists under § 17-97-312.

#### Credits

Acts of 2005, Act 1262, § 2, eff. Aug. 12, 2005.

A.C.A. § 17-97-403, AR ST § 17-97-403

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Subchapter 4. Neuropsychological Technicians

A.C.A. § 17-97-404

§ 17-97-404. Disclosure

Currentness

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.

#### Credits

Acts of 2005, Act 1262, § 2, eff. Aug. 12, 2005.

A.C.A. § 17-97-404, AR ST § 17-97-404

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Subchapter 4. Neuropsychological Technicians

A.C.A. § 17-97-405

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

Currentness

(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, Arkansas Psychology 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.

### Credits

[Acts of 2005, Act 1262, § 2, eff. Aug. 12, 2005.](#)

A.C.A. § 17-97-405, AR ST § 17-97-405

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Chapter 97. Psychologists and Psychological Examiners (Refs & Annos)

Subchapter 4. Neuropsychological Technicians

A.C.A. § 17-97-406

§ 17-97-406. Qualifications of supervisors

Currentness

(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.

#### Credits

Acts of 2005, Act 1262, § 2, eff. Aug. 12, 2005.

A.C.A. § 17-97-406, AR ST § 17-97-406

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Subtitle 3. Medical Professions (Chapters 80 to 107)

Chapter 97. Psychologists and Psychological Examiners

Subchapter 5. Psychology Interjurisdictional Compact

A.C.A. T. 17, Subt. 3, Ch. 97, Subch. 5, Refs & Annos

Currentness

A.C.A. T. 17, Subt. 3, Ch. 97, Subch. 5, Refs & Annos, AR ST T. 17, Subt. 3, Ch. 97, Subch. 5, Refs & Annos

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Chapter 97. Psychologists and Psychological Examiners (Refs & Annos)

Subchapter 5. Psychology Interjurisdictional Compact (Refs & Annos)

A.C.A. § 17-97-501

§ 17-97-501. Text of compact

Effective: July 28, 2021

Currentness

The Psychology Interjurisdictional Compact is enacted into law and entered into by this state with all states legally joining therein and in the form substantially as follows:

## PSYCHOLOGY INTERJURISDICTIONAL COMPACT

### Article I--Purpose

Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each Compact State; and
6. Invest all Compact States with the authority to hold licensed psychologists accountable through mutual recognition of Compact State licenses.

#### Article II--Definitions

A. "Adverse Action" means: Any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.

D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Article X for its governance, or for directing and controlling its actions and conduct.

E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

F. “Commissioner” means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Article X.

G. “Compact State” means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.

H. “Coordinated Licensure Information System” also referred to as “Coordinated Database” means: an integrated process for collecting, storing, and sharing information on psychologists’ licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.

I. “Confidentiality” means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.

J. “Day” means: any part of a day in which psychological work is performed.

K. “Distant State” means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

L. “E.Passport” means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. “Executive Board” means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. “Home State” means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

O. “Identity History Summary” means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

P. “In-Person, Face-to-Face” means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

Q. “Interjurisdictional Practice Certificate (IPC)” means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one’s qualifications for such practice.

R. “License” means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

S. “Non-Compact State” means: any State which is not at the time a Compact State.

T. “Psychologist” means: an individual licensed for the independent practice of psychology.

U. “Psychology Interjurisdictional Compact Commission” also referred to as “Commission” means: the national administration of which all Compact States are members.

V. “Receiving State” means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

W. “Rule” means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Article XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

X. “Significant Investigatory Information” means:

1. investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

Y. “State” means: a state, commonwealth, territory, or possession of the United States, the District of Columbia.

Z. “State Psychology Regulatory Authority” means: the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. “Telepsychology” means: the provision of psychological services using telecommunication technologies.

BB. “Temporary Authorization to Practice” means: a licensed psychologist’s authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.

CC. “Temporary In-Person, Face-to-Face Practice” means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.

Article III--Home State Licensure

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and
5. Complies with the Bylaws and Rules of the Commission.

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

1. Currently requires the psychologist to hold an active IPC;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and
5. Complies with the Bylaws and Rules of the Commission.

#### Article IV--Compact Privilege to Practice Telepsychology

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:
  - a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR
  - b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND
2. Hold a graduate degree in psychology that meets the following criteria:
  - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;
  - b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;
  - c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
  - d. The program must consist of an integrated, organized sequence of study;

- e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
  - f. The designated director of the program must be a psychologist and a member of the core faculty;
  - g. The program must have an identifiable body of students who are matriculated in that program for a degree;
  - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
  - i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;
  - j. The program includes an acceptable residency as defined by the Rules of the Commission.
- 3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
  - 4. Have no history of adverse action that violate the Rules of the Commission;
  - 5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
  - 6. Possess a current, active E.Passport;
  - 7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
  - 8. Meet other criteria as defined by the Rules of the Commission.
- C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.
- D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional

Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

Article V--Compact Temporary Authorization to Practice

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR

b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND

2. Hold a graduate degree in psychology that meets the following criteria:

a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;



- g. The program must have an identifiable body of students who are matriculated in that program for a degree;
  - h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
  - i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;
  - j. The program includes an acceptable residency as defined by the Rules of the Commission.
- 3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;
  - 4. No history of adverse action that violate the Rules of the Commission;
  - 5. No criminal record history that violates the Rules of the Commission;
  - 6. Possess a current, active IPC;
  - 7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
  - 8. Meet other criteria as defined by the Rules of the Commission.
- C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.
- D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If a Distant State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

#### Article VI--Conditions of Telepsychology Practice in a Receiving State

- A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory

Authority, as defined in the Rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;
2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

#### Article VII--Adverse Actions

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.
2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of the Commission.
3. Other actions may be imposed as determined by the Rules promulgated by the Commission.

D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the Compact

State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C, above.

#### Article VIII--Additional Authorities Invested in a Compact State's Psychology Regulatory Authority

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

#### Article IX--Coordinated Licensure Information System

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;
  3. Significant investigatory information;
  4. Adverse actions against a psychologist's license;
  5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
  6. Non-confidential information related to alternative program participation information;
  7. Any denial of application for licensure, and the reasons for such denial; and
  8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.
- C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.
- D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.
- E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

#### Article X--Establishment of the Psychology Interjurisdictional Compact Commission

- A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.
1. The Commission is a body politic and an instrumentality of the Compact States.
  2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
  3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

- a. Executive Director, Executive Secretary or similar executive;
- b. Current member of the State Psychology Regulatory Authority of a Compact State; OR
- c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

- a. Non-compliance of a Compact State with its obligations under the Compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation against the Commission;
- d. Negotiation of contracts for the purchase or sale of goods, services or real estate;
- e. Accusation against any person of a crime or formally censuring any person;

- f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or
- j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including but not limited to:

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
  - a. for the establishment and meetings of other committees; and
  - b. governing any general or specific delegation of any authority or function of the Commission;
3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;
4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;
6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;
7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;
9. The Commission shall maintain its financial records in accordance with the Bylaws; and
10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;
2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;
3. To purchase and maintain insurance and bonds;
4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compact State;
5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;
8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;
9. To establish a budget and make expenditures;
10. To borrow money;
11. To appoint committees, including advisory committees comprised of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;
12. To provide and receive information from, and to cooperate with, law enforcement agencies;
13. To adopt and use an official seal; and
14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

#### E. The Executive Board

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six members:
  - a. Five voting members who are elected from the current membership of the Commission by the Commission;
  - b. One ex-officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
2. The ex-officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.
3. The Commission may remove any member of the Executive Board as provided in Bylaws.
4. The Executive Board shall meet at least annually.



5. The Executive Board shall have the following duties and responsibilities:

- a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;
- b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
- c. Prepare and recommend the budget;
- d. Maintain financial records on behalf of the Commission;
- e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
- f. Establish additional committees as necessary; and
- g. Other duties as provided in Rules or Bylaws.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.
2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.
3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.
4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.
5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

Article XI--Rulemaking

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;
2. A governmental subdivision or agency; or
3. A duly appointed person in an association that has having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Compact State funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

## Article XII--Oversight, Dispute Resolution and Enforcement

### A. Oversight

1. The Executive, Legislative and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

#### B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.

4. A Compact State which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

#### C. Dispute Resolution

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

Article XIII--Date of Implementation of the Psychology Interjurisdictional Compact Commission and Associated Rules, Withdrawal, and Amendments

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

#### Article XIV--Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

#### Credits

Acts of 2021, Act 883, § 1, eff. July 28, 2021.

A.C.A. § 17-97-501, AR ST § 17-97-501

The constitution and statutes are current through the 2024 Fiscal Session and 2024 Second Extraordinary Session of the 94th Arkansas General Assembly. Some statute sections may be more current; see credits for details. Also included are changes made by the Arkansas Code Revision Commission received through June 30, 2024.

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West's Arkansas Code Annotated

Title 17. Professions, Occupations, and Businesses (Refs & Annos)

Subtitle 3. Medical Professions (Chapters 80 to 107) (Refs & Annos)

Chapter 97. Psychologists and Psychological Examiners (Refs & Annos)

Subchapter 5. Psychology Interjurisdictional Compact (Refs & Annos)

A.C.A. § 17-97-502

§ 17-97-502. Administration of compact--Rules

Effective: July 28, 2021

Currentness

- (a) The Arkansas Psychology Board is the Psychology Interjurisdictional Compact administrator for this state.
- (b) The board may adopt rules that are consistent with the Psychology Interjurisdictional Compact necessary to implement this subchapter.
- (c) The board is not required to adopt the rules of the Psychology Interjurisdictional Compact Commission for those rules to be effective in this state.

#### Credits

Acts of 2021, Act 883, § 1, eff. July 28, 2021.

A.C.A. § 17-97-502, AR ST § 17-97-502

The constitution and statutes are current through the 2024 Fiscal Session and 2024 Second Extraordinary Session of the 94th Arkansas General Assembly. Some statute sections may be more current; see credits for details. Also included are changes made by the Arkansas Code Revision Commission received through June 30, 2024.

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Chapter 97. Psychologists and Psychological Examiners (Refs & Annos)

Subchapter 5. Psychology Interjurisdictional Compact (Refs & Annos)

A.C.A. § 17-97-503

§ 17-97-503. Construction

Effective: July 28, 2021

Currentness

Except as to licensing under § 17-80-404(d), this subchapter does not supersede or preempt the Telemedicine Act, § 17-80-401 et seq.

**Credits**

Acts of 2021, Act 883, § 1, eff. July 28, 2021.

A.C.A. § 17-97-503, AR ST § 17-97-503

The constitution and statutes are current through the 2024 Fiscal Session and 2024 Second Extraordinary Session of the 94th Arkansas General Assembly. Some statute sections may be more current; see credits for details. Also included are changes made by the Arkansas Code Revision Commission received through June 30, 2024.

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