ARKANSAS BOARD OF EXAMINERS IN COUNSELING

RULES AND REGULATIONS

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I. General Information

Section 1.1 ENABLING LEGISLATION

The Rules are adopted pursuant to Arkansas Code Annotated § 17-27-101et seq.

Preface

The enabling legislation of the Arkansas Board of Examiners in Counseling is codified at Arkansas Code Annotated §17-27-101 and it provides for the licensure and regulation of Counselors and Marriage and Family Therapists; and the individuals who are allowed to use the titles "licensed professional counselor", "licensed associate counselor", "licensed marriage and family therapist", and "licensed associate marriage and family therapist". The Act is both title and practice.

The Board of Examiners in Counseling shall, in all deliberations and in all adopted Rules, diligently pursue goals most consistent with the public interest and protection of the public welfare and shall, at all times, apply the provisions of Arkansas Code Annotated § 17-27-101, et seq. and the Rules in a fair and impartial manner.

Section 1.2 DESCRIPTION OF ORGANIZATION

The Arkansas Board of Examiners in Counseling is composed of nine (9) members appointed by the Governor to staggered terms of three years. The composition of the Board shall include six (6) licensed or licensable counselors (three practicing counselors (one of whom must be a supervisor) and three counselor educators or supervisors, one of which shall also be a licensed Marriage and Family Therapist educator and/or approved supervisor and one (1) non-licensed individual who represents the general public. The seven are recommended to the governor by November 1 each year by the Executive Committee of the Arkansas Counseling Association (ArCA) or the Executive Committee of the Arkansas Mental Health Counseling Association (ArMHCA). One (1) licensed Marriage and Family Therapist shall be recommended to the governor by the Board of Directors of the Arkansas Association for Marriage and Family Therapists (ArAMFT). One (1) non-licensed member shall represent the over sixty populations and is selected by the governor from the general population. Section (c)(1)(e)(1)

Board members shall be ineligible for reappointment for a period of three (3) years following completion of each full, three (3) year term.

The appointed replacement shall be eligible for reappointment to a full three year term upon completion of the partial term appointment created by the vacancy. Section (c) (1) (e) (1) (g)

Section 1.3 INFORMATION FOR PUBLIC GUIDANCE

Records of the Board shall be kept, maintained, and made available for inspection in accordance with the Arkansas Freedom of Information Act (Arkansas Code Annotated § 25-19-101 et seq.).

Records of the Board will be maintained in accordance with the laws governing retention of documents of State agencies.

The Board will periodically release names of new licensees and the names of those licensees whose licenses have been suspended or revoked, and those who are appealing a suspension or a revocation, to the Arkansas Counseling Association, to the Arkansas Association of Marriage and Family Therapy, and the Arkansas Mental Health Counselors Association for publication in their newsletters. This information will be periodically placed on the Board website: http://www.abec.myarkansas.net/

A periodic press release may be issued to state-wide newspapers listing licenses issued, suspended, and revoked. If the suspension or revocation is under appeal it will be so noted.

Final decisions arrived at through administrative hearings will be available to requesters [including third party payers]. These decisions will be available through the Board's web site or by written request from the Board office.

Section 1.4 PURPOSES OF ORGANIZATION

The Board is responsible for the regulation of the titles and the practices of Counseling and Marriage and Family Therapy and Specialization Licenses related to Counseling and Marriage and Family Therapy in the State of Arkansas. This includes examining the qualifications of the applicants and approving each for licensing, as well as revoking, suspending, and renewing licenses.

Persons engaged in the practice of Counseling or Marriage and Family Therapy to individuals or groups in Arkansas must hold an Arkansas license to engage in that practice. These regulations apply to all traditional approaches and to all technology-assisted distance approaches, including telephone approaches, to Counseling or Marriage and Family Therapy offered to individuals or groups in Arkansas. Telephone Crisis "Hot Lines", telephone consultation between licensed mental health providers and emergency telephone calls are exempt. Counseling or Marriage and Family Therapy telephone services provided as a regular scope of practice, as a business, advertised to the public with hourly fees as mental health services by Counselors or Marriage and Family Therapists requires an Arkansas license. See Section XII for the ethics, definitions and standards for the practice of internet or telephone services.

In order to protect the citizens of Arkansas, obtaining a license as a Counselor/Psychotherapist or Marriage and Family Therapist is a prerequisite to offering, rendering or delivering counseling services in Arkansas to individuals or groups located in Arkansas. The license requirement applies to traditional face to face counseling as well as to Technology-Assisted distance (electronic, computer, telephone) counseling.

If the individual or group receiving mental health services is physically located in Arkansas, the Counselor/Psychotherapist or Marriage and Family Therapist providing the services must hold an Arkansas license regardless of whether he or she is located in-state or out of state.

If the Counselor/Psychotherapist or Marriage and Family Therapist are physically located in Arkansas, he or she must have an Arkansas license to provide Counseling/Psychotherapy or Marriage and Family Therapy services to individuals or groups located in Arkansas. If the licensee offers services to clients in another state, the licensee is subject to the laws of that state.

Section 1.5 ORGANIZATION OF THE BOARD

The Board will elect officers within 30 days before January 2 of each year. The Board shall elect a chair and a secretary and other such officers, as it deems necessary, from its members to serve for terms of one year. Five (5) members shall at all times constitute a quorum. Additional meetings may he held at the discretion of the chair or upon written request of any three (3) members of the Board.

Section 1.6 MEETINGS

Meetings of the Board shall be open to the public in accordance with the Freedom of Information Act. Dates, times, and places of meetings shall be furnished to anyone requesting the information and made available to the press and on the website.

Under the provisions of the Arkansas Freedom of Information Act the Board may go into executive session for the purpose of giving oral licensure examinations or to develop examination questions.

Section 1.7 FINANCES

The Board shall charge fees for applications, licenses, examinations and other administrative purposes deemed necessary by the Board. In addition to fees collected, the Board is empowered to accept grants from foundations and institutions to carry out its function. The Board may hire such personnel as necessary to carry out its activities. The Board Chairperson and the Executive Director shall be bonded to handle finances of the Board in compliance with state regulations.

All receipts for fees are numbered and dated.

Section 1.8 INTENT OF THE ACT

It is intended that the provisions of Arkansas Code Annotated §17-27-101 et seq. operate in accordance with other laws.

Section 1.9 DEFINITIONS

(a) "Appraisal activities" means selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, personal characteristics and interests, but shall not include the use of projective techniques for personality assessment unless specifically qualified to do so under another license. Documentation of all training for appraisal activities and Board approval for those activities is required for protection of the public. Appraisal Specialization License [Rule Section 3.5 (C) (6)] is required if appraising/evaluating for placement of children or adults in special programs, in schools, institutions, etc. If appraisals are conducted under contracts with public schools or for the Arkansas Department of Human Services the Appraisal Specialization License must be verified prior to reimbursement to schools or individuals.

(b) "Counseling/Psychotherapy" means assisting individuals or groups, through the counseling relationship, to develop understanding of personal problems, define goals, and plan action reflecting interests, abilities, aptitudes, and needs. Counseling/Psychotherapy is the application of mental health, psychological, or human development principles, through cognitive, affective, behavioral or systemic intervention strategies that address wellness, personal growth, or career development, as well as pathology. The terms Counseling/ Psychotherapy are used interchangeably in definitions of mental health activities in counseling textbooks

(c) "Licensed Associate Counselor" means any person holding himself/herself out to the public by any title or description of services incorporating the words Licensed Associate Counselor, who meets the requirements set forth in Section 3.1 of these rules and regulations, and who offers to render counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for monetary remuneration otherwise implying licensure, training, experience, and/or expertise in counseling, and who holds a current, valid license to practice counseling under the supervision of a duly Licensed Professional Counselor. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27-103.

(d) "Licensed Associate Marriage and Family Therapist" means any person who holds himself/herself out to the public by any title or description of services incorporating the words licensed associate marriage and family therapist, who meets the requirements set forth in Section 3.3 of these rules and regulations; offers to render marriage and family therapy services to individuals, couples and families, singularly or in groups for monetary remuneration; or holds a current, valid license to practice marriage and family therapy services under the supervision of a licensed Marriage and Family Therapist. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27-103.

(e) "Licensed Marriage and Family Therapist" means any person who: holds himself/herself out to the public by any title or description of services incorporating the words licensed marriage and family therapist, who meets the requirements set forth in Section 3.4 of the rules and regulations; offers to render marriage and family therapy services to individuals, groups, couples, families, organizations, corporations, institutions, government agencies, or the general public for monetary remuneration or otherwise implying that he or she is licensed, trained, experienced, or an expert in marriage and family therapy; or holds a current, valid license to practice marriage and family therapy. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27-103.

(f) "Licensed Professional Counselor" shall mean any person holding himself/herself out to the public by any title or description of services incorporating the words Licensed Professional Counselor, who meets the requirements set forth in Section 3.2 of the rules and regulations, and who offers to render counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or to the general public for monetary remuneration or who otherwise implies licensure, training, experience, and/or expertise in counseling and who holds a current valid license to practice counseling/psychotherapy. Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-27-103.

(g) "Marriage and Family Therapy" means the use of scientific and applied marriage and family theories, methods and procedures for the purpose of describing, evaluating and modifying marital, family and individual behavior within the context of marital and family systems, including the context of marital formation and dissolution. Marriage and family therapy is based on systems theories, marriage and family development, normal and dysfunctional behavior, human sexuality and psychotherapeutic, marital and family therapy theories, and techniques in the evaluation, assessment and treatment of interpersonal or intrapersonal dysfunction within the context of marriage and

family systems. Marriage and family therapy may also include clinical research into more effective methods for the treatment and prevention of the above-named conditions. Nothing in this definition or in this chapter shall be construed as precluding licensed professional counselors or licensed associate counselors from rendering these services.

(h) "Privileged Communication" shall mean any communication between client and counselor given in confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in the furtherance of the rendition of professional services to the client.

(i) "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists.

(j) "Relevant Professional" or "Continued Education Experience" means documented training, workshops, institutes, seminars, etc., primarily counseling in content. The Board accepts documented clock hours as described in Section 7.3.

(k) "Research activities" means reporting, designing, conducting, or consulting on research in counseling with human subjects.

(l) "Statement of Professional Intent" means a typed statement from the applicant on file with the Board, describing the scope of practice for use under the requested license, the public with whom the applicant will work, and the counseling/psychotherapy and *appraisal approaches the applicant plans to use (including techniques and tools).*

(m) "Supervision" means professional monitoring and reporting (a) of a Licensed Associate Counselor (LAC) by an individual licensed as a LAC supervisor and (b) of a Licensed Associate Marriage and Family Therapist (LAMFT) by an individual licensed as a LAMFT supervisor.

(n) "Practicing Counselors" means individuals who apply mental health, psychological or human development principles, through cognitive, affective, behavioral or systemic intervention, strategies that address wellness, personal growth, or career development, as well as pathology.

(o) "Counselor Educator" means Counselors who are responsible for developing, implementing, and supervising educational programs and are skilled as teachers and practitioners. They are knowledgeable regarding the ethical, legal, and regulatory aspects of the profession, are skilled in applying that knowledge, and make students and supervisees aware of their responsibilities. Counselor Educators conduct counselor education and training programs in an ethical

manner and serve as role models for professional behavior. Individuals, who develop, implement/conduct and supervise comprehensive education and training programs for counseling trainees in a knowledgeable, skillful and ethical manner, and serve as culturally-aware role models for professional behavior. Counselor Educators are considered professionals at the degree level of Ed.D. or Ph.D. in counseling, psychology, or closely related field level of education who infuse material related to human diversity into all courses and/or workshops that are designed to promote the development of professional counselors. Counselor Educators are individuals whose primary profession is as a counselor educator, employed at least half time in an Arkansas institution of higher education or counselor educators retired from a higher education institution in Arkansas.

(p) "Adjunct lecturer" means persons who teach counseling courses, part time for various reasons at universities in higher education. They are considered practicing counselors by profession, if licensed or licensable. They are eligible for board service under the practicing counselor category.

(q) "Supervisor" means an individual who holds a state appointment as a supervisor in the State Department of Education for the purpose of promoting the development of professional counselors in the public schools and holds the EdD or the PhD level of education in counseling or related field. The intent of Act 593 of 1979 was to recognize the State Supervisors of public school counselors as equal to Counselor Educators in Higher Education as persons responsible for programs and training. The amendments of Act 244 of 1997 did not address nor change the intent of the Act 593 of 1979. Arkansas individuals who hold the LPC or LMFT license and also hold the Supervision Specialization License are approved to supervise LAC and LAMFT licensed individuals.

(r) "Licensed or Licensable" means a person who hold an Arkansas counseling or therapy license that is in good standing with the Board or persons who have filed an application and are in the process of becoming licensed by the ~~Counseling~~ Board. Individuals who have an application in process but fail the examinations or fingerprint check are not considered licensable.

(s) "Distance Learning" means distance education; learning or distance learning, a formal education process, in which instruction occurs when the student and instructor are not located in the same place. Distance learning adds technology to the learning environment by a variety of means. Instruction may be synchronous or asynchronous. Courses taught via distance learning must be approved by the Board, as per the rules for distance course work, prior to acceptance of courses used in an application for an Arkansas license. Section 3.6 ~~(1)(h)(i)(j)~~ As this form of education has evolved with technology, it may be

referred to as cyber learning, electronic learning, distance learning. For the purposes of these rules, the term distance learning refers to all non-traditional methods of presentation.

(t) "Technology-Assisted Distance Counseling" (Electronic Counseling, Cyber Counseling) for Counseling or Marriage and Family Therapy means any form of services offered or rendered by electronic or technology-assisted approaches when the Counselor or Marriage and Family Therapist and the client are not located in the same place. Technology-Assisted Distance Counseling may be synchronous or asynchronous. Only Counselors and Marriage and Family Therapists, licensed by the Arkansas Board of Examiners in Counseling, who also hold the Technology-assisted Distance Counseling or Marriage and Family Therapy Specialization License, may provide Technology Assisted Distance Counseling or Marriage and Family services.

(u) "Traditional Counseling" means any form of Counseling or Marriage and Family Therapy offered or rendered in person, face to face, with the Counselor or Marriage and Family Therapist in the same physical location.

(v) "Group Counseling, Relational Counseling or Group Marriage and Family Therapy" means two or more persons, couples or families meeting with the Counselor or Marriage and Family Therapist.

(w) "Technology" means electronically based hardware, software, video and related systems and telephone systems to deliver knowledge, skills, and tools for learning and communication processes. Technology for Counseling or Marriage and Family Therapy encompasses distance learning and distance counseling by any form of technology system/telephone system delivery s of services. See section XII for the Technology-Assisted Distance Counseling definitions.

(x) "Direct Service" means interaction with clients that includes the application of Counseling or Marriage and Family Therapy for human development skills and/or for mental health issues. In general, the term is used to refer to time spent by the Counselor or Marriage and Family Therapist working face to face or directly with individuals or groups.

(y) "Indirect Service" means consultation, case management, paperwork, staffing, billing and test administration when the Counselor or Marriage and Family Therapist is not working directly with the individuals or groups , but the services are directly related to the individuals or groups employing the Counselor or Marriage and Family Therapist.

(z) "Volunteer" means an individual offering volunteer services that is approved

by the organization or agency for whom the service is rendered. See II. Exemptions, Section 2.2

II. EXEMPTIONS

Section 2.1 CLERGY

(a) Clergy appointed and/or endorsed by their local congregation/church, synagogue, denominational institution or agency to practice pastoral counseling as parts of their responsibilities or duties of their ministry assignments are exempt from licensure requirements. The assignment must be authorized and/or endorsed by their local congregation/church, synagogue, denominational institution or agency. International and National licenses/certifications and/or assignments do not supersede state law.

(b) Any minister, clergy or pastoral counselor who has a private counseling or marriage and family therapist practice (full time or part time) outside of ministry assignment, accepts fees from any source, such as third party payments, clients, donations or the general public must be licensed by this Board.

Section 2.2 VOLUNTEERS

Individuals who offer volunteer pastoral, marriage and family therapy or counseling services are exempt from licensure requirements as long as their services are authorized and supervised by the local congregation/church, synagogue, denominational institution, agency, or organization for which the service is rendered. Volunteers must abide by the same requirements as the authorizing congregation/church, synagogue, denominational institution, agency or organization.

(a) Approval is documented by the organization or agency for which the service is rendered. Approval means a description of the assignment and designation of the person/persons responsible for supervising the volunteers (clergy, licensed professionals, etc). Documentation is by letter on the organization or agency letterhead, signed by the Arkansas organization or agency authority approving the service.

(b) Any fees to recover costs for materials and/or services rendered, whether assigned fees or donations, will be made payable and deposited to the agency, organization, church, or synagogue that has given the approval. Payment of any type, barter or cash, to the volunteer means the volunteer has entered the private sector and must be licensed by the Board.

(c) An organization or agency includes but is not limited to Arkansas churches,

synagogues, military assignments, and The American Red Cross crisis assignments, etc.

(d) The titles of the volunteers must not be Counselor or Therapist. Acceptable volunteer title examples follow: volunteer, disciple, mentor, lay clergy, shepherd, American Red Cross Disaster Mental Health supervisor or technician.

III. LICENSING QUALIFICATIONS

Section 3.1 LICENSED ASSOCIATE COUNSELORS (LAC)

In order to be eligible as a Licensed Associate Counselor, an applicant:

(a) Must have received a graduate degree that is primarily professional counseling in content from a regionally accredited institution. The graduate semester hours must meet the national academic and training content standards adopted by the Board and the Council for the Accreditation of Counseling and Related Educational Programs (CACREP/CORE) or equivalent;

(b) Must demonstrate professional competencies by passing written, oral, and situational examinations as prescribed by the Board;

(c) Must arrange supervision with a Board-approved LAC supervisor and have the plan/agreement for the supervision approved by the Board prior to license issue;

(d) Must have met the criminal background check mandated by Ark. Code Ann. § 17-27-313;

(e) Must be a citizen of the U.S. or have an immigration green card to document and verify legal alien work status in the U.S. as indicated by a valid Social Security Number.

(f) The intent of the law is for the required three years (3000 clock hours) of supervision as a Licensed Associate Counselor (LAC) to be training with the intent to become a Licensed Professional Counselor (LPC). The intent of the law is not for the LAC license to be a permanent license.

Section 3.2 LICENSED PROFESSIONAL COUNSELORS (LPC)

In order to be eligible as a Licensed Professional Counselor, an applicant:

(a) Must meet the requirements of Section 3.1with the exception of (c); and

(b) Must provide evidence of three years (3000 clock hours) of supervised full-time experience, as defined by the Board, in professional counseling beyond the Master's Degree. One year (1000 hours) of experience may be gained for 30-semester hours of graduate work beyond the Master's level, provided the hours are clearly counseling in nature and acceptable to the Board. Hours earned may be substituted for no more than two (2) years of supervised professional experience. The Board of Examiners in Counseling does not have the power to waive any required period of supervised experience.

Section 3.3 LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPISTS (LAMFT)

In order to be eligible as a Licensed Associate Marriage and Family Therapist, an applicant:

(a) Must have received a graduate degree in marriage and family therapy or related field from a regionally accredited institution. The graduate semester hours must meet the national academic and training content standards adopted by the Board from the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE/AAMFT) or the Council for Accreditation Counselor Related Education Programs (CACREP/CORE) or equivalent;

(b) Must demonstrate professional competencies by passing written, oral, and situational examinations prescribed by the Board;

(c) Must arrange supervision with a Board-approved Licensed Associate Marriage and Family Therapist supervisor and have the plan/agreement for supervision approved by the Board prior to license issue;

(d) Must have met the Criminal Background Check mandated by Act 1317 of 1997;

(e)) Must be a citizen of the U.S. or have an immigration green card to document and verify legal alien work status in the U.S, as indicated by a valid Social Security Number.

(f) The intent of the law is for the required three years (3000 clock hours) of supervision as a Licensed Associate Marriage and Family Therapist (LAMFT) to be training with the intent to become a Licensed Marriage and Family Therapist (LMFT).

Section 3.4 LICENSED MARRIAGE AND FAMILY THERAPISTS (LMFT)

In order to be eligible as a Licensed Marriage and Family Therapist, an applicant:

(a) Must have received a graduate degree in Marriage and Family Therapy or related field from a regionally accredited institution. The graduate semester hours must meet the national academic and training content standards adopted by the Board from the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or the Council for Accreditation of Counseling and Related Educational Programs (CACREP/CORE/COAMFTE Standards or the American Association of Marriage & Family Therapy (AAMFT)

(b) Must demonstrate professional competencies by passing written, oral, and situational examinations prescribed by the Board;

(c) Must have met the Criminal Background Check mandated by Act 1317 of 1997;

(d) Must be a citizen of the United States or have a green card to document and verify legal alien work status in the U.S. The green card must be current and issued by the United States Immigration Bureau; and

(e) Must provide evidence of three years (3000 clock hours) of supervised full-time experience, as defined by the Board, in marriage and family therapy beyond the Master's Degree. One year of experience may be gained for 30 semester hours of graduate work beyond the Master's level, provided the hours are clearly marriage and family therapy in nature and acceptable to the Board. Hours earned may be substituted for no more than two years of supervised professional experience. The Board of Examiners in Counseling does not have the power to waive any required period of supervised experience.

Section 3.5 Dual Credential / Licensure

For practitioners who possess both the LAC/LPC & LAMFT/LMFT, a single licensure certificate will be available at a reduced cost. This is not a new licensure category, only a different certificate. The Continuing Education requirement will be 24 hours, with 3 hours minimum in Ethics. The remaining 21 hours must indicate a balance between counseling and marriage & family continuing education.

Section 3.6 Specializations

(a) The Board shall evaluate areas of specialization. The Board will use the national standards for the preparation of counselors, prepared by the specific professional association, as a guide in establishing the standards for counseling; i.e., Rehabilitation Counseling, Pastoral Counseling, Coaching, Career Counseling, School Counseling, , Gerontological Counseling, Counseling Supervision, Drug & Alcohol, Addictions, Appraisal, Art, Music, Mediation, Technology-assisted

Counseling or Marriage and Family Therapy, Technology-assisted Supervision, Traditional Supervision, Recreation Therapeutic Counseling, Applied Behavior Analysts, Play Therapy, Dance Therapy, Neurofeedback, Therapeutic Humor, EMDR, Animal Assisted Therapy, Eating Disorders, Trauma, Treatment of Sexual Abusers, Grief and / or other specified counseling areas as identified. If no national standards are available, the Board will adopt the highest Arkansas standards available.

(b) Specialization licenses will be granted to individuals who hold the LPC, LAC, LAMFT, or LMFT license and are in good standing with the Board. The applicant for the specialization license who holds certification, registry, or license issued by recognized and Board approved national associations or credentialing bodies will submit that documentation. All certifications received directly from the National Board for Certified Counselors (NBCC) or the American Association for Marriage and Family Therapist AAMFT) will be accepted as evidence of specialization. If no national standards are available the Board will adopt the highest Arkansas state standards available for that specialization.

(c) Specializations currently approved are: include:

School _____ Hypnotherapy _____

Career _____ Pastoral Counseling _____

Rehabilitation _____ Supervision-LAC _____

Appraisal _____ Supervision-LAMFT _____

Drug & Alcohol _____ Play Therapy _____

Addictions _____ Dance Therapy _____

Art Therapy _____ Neurofeedback _____

Mediation _____ Technology-Assisted Counseling _____

Coaching _____ Technology-Assisted Supervision _____

Recreation _____ Behavior Analyst/Therapeutic Specialist _____

Music Therapy _____ Therapeutic Humor _____

EMDR _____ Eating Disorders _____

Animal Assisted Therapy _____ Trauma _____ Grief_____

Treatment of Sexual Abusers (ATSA)

Specialization Standard Bodies

School Counselors:
https://www.schoolcounselor.org/asca/media/asca/home/SCCompetencies.pdf

Hypnotherapy: http://www.natboard.com/index_files/page358.htm

Career Counselors: http://www.ncda.org/aws/NCDA/pt/sp/guidelines

Pastoral Counselors: http://www.aapc.org/Default.aspx?ssid=74&NavPTypeId=1184

Rehabilitation: https://www.crccertification.com/eligibility-requirements

Supervision (LAC): http://www.cce-global.org/ACS

Supervision (LAMFT):

http://www.aamft.org/imis15/documents/approved_supervisor_handbook.pdf

Drug & Alcohol: http://www.naadac.org/mac

Addictions: http://www.nbcc.org/Certification/MasterAddictionsCounselor

Play Therapy: http://a4pt.site-ym.com/?page=Credentials

Dance Therapy: http://www.adta.org/DMTCB

Art Therapy: http://www.atcb.org/

Neurofeedback: http://www.bcia.org/i4a/pages/index.cfm?pageid=3435

Mediation: http://www.msb.org.au/mediator-standards/standards

Tech-Assisted:

http://www.nbcc.org/Assets/Ethics/NBCCPolicyRegardingPracticeofDistanceCounselingBoard.pdf

Coaching: http://www.cce-global.org/Credentialing/BCC

Recreation: http://nctrc.org/about-certification/certification-standards/

Behavior Analyst, Therapeutic Specialist: http://bacb.com/

Music Therapy: http://www.cbmt.org/

Therapeutic Humor: http://www.aath.org/aath-code-of-ethics

EMDR: http://www.emdria.org/?page=21

Eating Disorders: http://www.iaedp.com/certification/certification.htm

Animal Assisted Therapy: http://www.animaledu.com/Programs/Animal-Assisted-Therapy

Trauma: http://traumapro.net/certification/certified-clinical-trauma-professional-cctp/

Grief: http://aihcp.net/american-academy-of-grief-counseling/

ATSA: http://www.atsa.com/atsa-practice-guidelines

(d) Specialization license clarification for the following: (1) Pastoral Counseling specialization license standard for issue for Clergy who are licensed by this Board and who are credentialed as member, fellow, or diplomat by the American Association of Pastoral Counselors (AAPC) or Association for Clinical Pastoral Education (ACPE).

(2) Rehabilitation Counselor specialization license standard for issue being for Counselors/Therapist who are licensed by this Board and who are credentialed by the Commission on Rehabilitation Counselor Certification (CRCC).

(3). Appraisal Specialization license standards for issue being (A) or (B) and (C

(A) The curriculum and assessment experience standards acceptable for the School Psychology Specialist Specialization Certification/License issued by the Arkansas State Department of Education.

OR

(B) The standards for the School Psychologists from the National Association of School Psychologists (NASP).

(C) Documentation of a passing score on the School Psychologist Examination (Praxis II) Code 0400 from Educational Testing Service (ETS) required for (A) or (B).

(4) Supervision Specialization license standards for issue being:

(A) Three (3) years' experience as a Licensed Professional Counselor and/or a Licensed Marriage and Family Therapist

(B) Good standing (as LPC and/or LMFT) in Arkansas

(C) Documentation of one of the following:

(i) A doctorate, primarily counseling/therapy in content, which included both course work in supervision (specific to the supervision license, LAC or LAMFT) and supervised experience in supervision; or

(ii) A completed, advanced three (3) credit hour graduate course in clinical supervision (specific to the supervision license, LAC or LAMFT) which included eighteen (18) hours of supervised experience in supervision arranged as part of the graduate course. This class must be taken post-full licensure as LPC unless the class is/was part of doctoral studies prior to licensure.

(D) Must submit and have Board approval of:

(i) A typed description of his/her theoretical orientation to supervision (specific to the supervision license, LAC or LAMFT), including model of supervision, and techniques of practice;

(ii) A signed code of ethics agreement and a group supervision plan and forms;

(iii) An Oral Examination with the Board

(5) Mediation Specialization license standard for issue being the Certification Standards established by the Arkansas Commission for Mediation.

(6) Thanatology and Grief Counseling specialization license standard for being the Certification Standards established by the Association of Thanatology and Grief Counseling.

(7) Technology-Assisted Distance Counseling or Marriage and Family Therapy Specialization license standards for issue for Counseling or Marriage and Family Therapy or Supervision being:

(A) A licensed LPC/LAC or LMFT/LAMFT in good standing with the Board must apply for the Technology-assisted Distance Counseling or Marriage Family Therapy specialization license and submit documentation of training for approval by the Board. As training sources are developed, the responsibility for seeking Board endorsement for the training rests with the provider of the training. The provider must submit a written request with

materials documenting the training content for Board review and approval prior to endorsement of the training.

(B) The written submission of a detailed plan that delineates how the applicant will meet provisions of the Board adopted American Counseling Association Code of Ethics and the Standards regulating Technology-Assisted Distance Counseling or Marriage and Family Therapy for Board approval.

(C) Revised Statement of Intent (scope of practice) that includes a description of the Technology-Assisted Distance Counseling or Marriage and Family Therapy.

(D) The Board may require an oral examination if there are unresolved questions about requirements (9) (A-F).

(E) The submitted materials must be approved by the Board prior to the Technology-Assisted Distance Counseling or Marriage and Family Therapy Specialization license being issued.

(F) Any Technology-Assisted Distance Counseling or Marriage and Family Therapy that occurs within the State of Arkansas, whether by an Arkansas counselor or by an out of state Counselor or Marriage and Family Therapist, is deemed to have occurred in Arkansas. All providers of services whether traditional or Technology-Assisted who may offer or provide Counseling or Marriage and Family Therapy services to individuals or groups must hold a valid Arkansas license to provide such services.

(G) Specialization requests not already specified will be reviewed by the Board and standards established as needed.

(H) Licensed Counselors or Therapist who apply for a specialization license will be issued such license upon completion of the application for a specialization, documentation of a valid national or required credential (certificate, registry, or license), pass on the oral examination (if required), payment of the specialization fee and approval by majority vote of the Board.

Section 3.7 GRADUATE COURSE REQUIREMENTS

(a) The applicant must have received a graduate degree from a regionally accredited institution of higher education that is primarily professional counseling or therapy in content **and** document completion of a minimum of 60 graduate semester hours

in course work, counseling/therapy in content, that meet the academic and training standards established by the Board. The counseling programs, from which the degree/courses are earned, within the institution, shall meet the standards for the preparation of counselors by the specific national professional associations related to each license.

(b) The adopted standards of the national accrediting body, The Council for Accreditation of Counseling and Related Educational Programs (CACREP/CORE) for Licensed Associate Counselor (LAC) and for Licensed Professional Counselor (LPC). Endorsed and adopted as parallel are the standards of the following: The Council on Rehabilitation Education (CORE, Standards), the United States Department of Education (USDE), and the Council for Higher Education Accreditation (CHEA). Other nationally recognized accrediting bodies will be reviewed for Board endorsement as needed.

(c) The adopted standards for Licensed Associate Marriage and Family Therapist (LAMFT) and Licensed Marriage and Family Therapist (LMFT) are the current Commission on Accreditation for Marriage and Family Therapy Education Standards (COAMFTE) or current CACREP/CORE Standards for Marriage and Family Therapy or the current Association of Marriage & Family Therapy (AAMFT) standards.

(d) Documentation from the institution issuing the credit may be required in addition to the Core Curriculum section of the application to verify that all course standards are met if the institution has not previously filed and gained approval for courses with the Arkansas Board.

(e) (1) Core Curriculum for LAC or LPC includes:

(A) Professional Identity, (3 Graduate Credit Hour Minimum)

(B) Social and Cultural Diversity, (3 Graduate Credit Hour Minimum)

(C) Human Growth and Development, (3 Graduate Credit Hour Minimum)

(D) Career Development, (3 Graduate Credit Hour Minimum)

(E) Helping Relations, (3 Graduate Credit Hour Minimum)

(F) Group Work, (3 Graduate Credit Hour Minimum)

(G) Assessment, (3 Graduate Credit Hour Minimum)

(H) Research and Program Evaluation, (3 Graduate Credit Hour Minimum)

(I) Practicum and/or Internships, (9 Graduate Credit Hour Minimum),

(J) Psychopathology, including DSM and ICD training (3 Graduate Credit Hour Minimum

(K) Family and Relationship (3 Graduate Credit Hour Minimum)

(L) Psychopharmacology (3 Graduate Credit Hour Minimum)

(f) International degree(s) relied on in applying for a license of any kind from the Arkansas Board must be submitted with an English translation and certification from a credential evaluation service. These agencies must certify that the international degree is equivalent to a United States graduate degree. All cost for the certification is the responsibility of the applicant. The applicant may contact the Board office for information about approved agencies that provide the services.

(g) All graduate course hours used in the application for any license issued by the Arkansas Board must have a "B" grade or above. Grades of "C" or below will not be accepted for licensure purposes.

(h) (1) Distance/Cyber/Electronic education degrees will be treated the same as onsite education degrees if the degrees are primarily professional counseling or marriage and family therapy in content and are earned from a regionally accredited institution of higher education and the distance education degree programs are accredited as required, ((j) (A-H).

(2) CACREP/CORE. Courses must be graduate credit, meet the CACREP/CORE/COAMFTE/AAMFT standards, and meet the American Counselor Educators and Supervisors (ACES) course guidelines. ACES Technology Interest Network course quality items are adopted for distance learning courses.

(3) Cyber/Distance learning includes cyber/distance (electronic) learning/education. The definition of distance learning/education acceptable to the Board for licensure purposes is a formal education process in which instruction occurs when the student and instructor are not located in the same place. Distance learning adds technology to the learning environment by a variety of means, such as web sites, e-mail and video

conferencing. Instruction may be synchronous or asynchronous. Videos may not comprise more than 20% of the instruction time in any one course.

(i) The responsibility for documenting that each course, content and presentation, meets the standards for Board endorsement and acceptance is the responsibility of the granting institution and the applicant. The Board review and acceptance/denial of each Cyber/Distance/Electronic course is mandated prior to the application being processed for any Arkansas license issued by the Board.

(j) Institutions of higher education that have graduate counselor education and related graduate programs that are not accredited by CACREP/CORE/ /COAMFTE/AAMFT must seek endorsement from the Arkansas Board. The Board accepts certification/accreditation from the following, in addition to, CACREP/CORE/COAMFTE/AAMFT: The Council on Rehabilitation Education (CORE) the Council for Higher Education Accreditation, (CHEA). Institutions accredited by other nationally recognized accrediting bodies must seek and secure endorsement to the adopted standards from the Arkansas Board of Examiners in Counseling. Board endorsement must be completed prior to applications and course work of graduates from those programs being processed. The institution seeking endorsement must submit the following information for Board review:

(1) Two (2) () graduate catalogs;

(2) A completed Core Curriculum for the 60 hour requirements, effective January 1, 2003 with the course numbers and titles from the graduate program;

(3) A copy of each syllabus listed on the Core Curriculum;

(4) A letter from the university verifying that the content of the courses are equivalent to the current CACREP/CORE Standards. The CACREP/CORE Standards are the standards used for a transcript to be processed for licensure purposes;

(5) Documentation that the quality of each course meets the Course Quality Guidelines, of ACES Guidelines;

(6) A copy of the distance learning program or traditional program approval/accreditation from the accrediting/certifying agency that has accredited the university degree program/programs;

(7) The software used for distance learning platform; and

(8) Any other materials the university would like to submit to the Board to support the institution's endorsement request.

When the information (j) (k) (1-8) is received, reviewed, and approved by the Board, the administrative office staff may use the information to review current and future transcripts from graduates of the endorsed institution. The institution has the responsibility to keep the syllabi and other university materials current to expedite any applications received from graduates of the institution. The institution has the responsibility to ensure that all courses meet the requirements set forth in the Rules/Regulations.

IV. SUPERVISION

Section 4.1 SUPERVISION CONTENT

(a) Supervision for the Associate Counselor in Arkansas must be provided by a practitioner who is a Licensed Professional Counselor, holds approved supervisor status from the Board and whose license is valid (i.e. not suspended due to delinquent renewal or disciplinary action).

Supervision hours for applicants moving into the state must be approved by the Board.

The Standards for Clinical Approved Supervisor (CAS) by the National Board for Certified Counselors are adopted by the Board as the standards to ensure the preparation in methods and techniques for practicing counselors who offer clinical supervision services to Associate Counselors for the protection of the client.

(b) Supervision for the Associate Marriage and Family Therapist in Arkansas must be provided by a practitioner who is a Licensed Marriage and Family Therapist, holds approved supervisor status from the Board, and whose license is current. (i.e, not suspended due to delinquent renewal or disciplinary actions).

Supervision hours for applicants moving into the state must be approved by the Board.

The Standards for Clinical Approved Supervisor (CAS) by the National Board for Certified Counselors are adopted by the Board as the standards to ensure the preparation in methods and techniques for practicing counselors who offer clinical supervision services to Associate Marriage and Family Therapists for the protection of the client.

(c) Counselors or Marriage and Family Therapists licensed at the associate level must complete approximately three (3) years or 3000 Client Contact Hours (CCH) with supervision. The ratio for both the LAC and LAMFT will be one (1) hour of supervision for every ten (10) hours of client contact for the first five hundred (500) direct CCH; then one (1) hour of supervision for every twenty (20) client contact hours for the remaining

twenty-five hundred (2500) hours. A client contact hour is defined as face-to-face contact with a client(s) in a therapeutic engagement.

The LAC and LAMFT are required to have a minimum of 3000 hours of client contact, 2200 hours defined as work related to direct, face-to-face counseling practice and 800 hours of indirect client contact. The supervisee may accumulate more than 800 hours, but they do not reduce the 1700 direct client contact hours required to complete the 3000 hours of supervised practice.

During the first 500 hours of supervision, no indirect hours will be applicable. The total hours of supervised practice will remain 175 clock hours of supervision. Supervisors may engage in Dyad /Triadic supervision after the first 500 hours in addition to traditional group supervision.

(d) LAMFTs must have a minimum of fifty percent (50% or1500 hours) direct client contact hours in family/relational/group/systemic sessions.

(e) Group sessions are reported in clock hours of the sessions, not the clock time multiplied by the number of persons in the group.

(f) Group supervision may not exceed half of the total Board specified supervision requirements. A supervision group is defined as consisting of three (3) to six (6) supervisees with the contracted supervisor. In addition to this increase in group members, Supervisors may engage in Dyadic Supervision (Supervisor and two (2) supervisees), sometimes also referred to as Triadic Supervision, and list it as Individual Supervision.

(g) For the purpose of supervised clinical practice, hours spent conducting Psycho-educational groups (whether inpatient/outpatient or at other locations) may not be credited as direct client contact hours.

(h) The contracted supervisor may not delegate supervision responsibility to any other individual. The contracted supervisor should have an emergency plan on file if he/she were to be unavailable.

(i) Post-master's course work necessary for application for an Arkansas license maynot be applied to the required supervised work experience in accordance with the rules and regulations.

Post-master's course work may be applied toward supervised experience in accordance with the rules and regulations governing both Licensed Professional Counselors and Licensed Marriage and Family Therapists. The Board may accept thirty (30) hours of acceptable graduate coursework with the exception of Section 4.1 (i). These hours will adhere to the '80 - 20' rule, meaning 80 hours will go toward direct hours & 20 hours will go toward indirect hours.

(j) The LAC/LAMFT may choose to take the NCMHCE: The National Clinical Mental Health Counseling Examination (NCMHCE) option is available for the Licensed Associate Counselor (LAC) and the Licensed Associate Marriage and Family Therapist (LAMT) who petitions for the Licensed Professional Counselor (LPC) or the Licensed Marriage and Family (LMFT) license upon completion of the required supervised Client Contact Hours (CCH) as a Licensed Associate Counselor (LAC) or Licensed Associate Marriage and Family Therapist (LAMFT).

(1) The LAC/LAMFT may petition the Board to take the NCMHCE with recommendation of the contracted supervisor upon the completion of 2000 client contact hours. When approved, the applicant may apply to NBCC and take the NCMHCE. The passing score will be the national cut off score. A pass score on the NCMHCE will be equated to 500 Client Contact Hours (CCH) and applied to the total hours required for completion of supervision.

(2) When the passing score on the NCMHCE, all supervised CCH's are completed and documented, revised Statement of Intent and LAC/LAMFT license fee are received, the LPC or LMFT license may be issued and supervision may cease.

(3) Test dates for the NCMHCE will be the same as the dates established for the NCE and all examinations will be administered by NBCC or a designate. The candidate will send test application and test fee directly to NBCC.

(k) Practitioners who are fully licensed for independent practice, and meet all the requirements for both the LPC and the LMFT, and who would prefer a single license to reflect those competencies, may elect to have a single, dual credential at a reduced fee. There are no additional requirements, the renewal period will remain two (2) years and the Continuing Education requirements will be the same as any other license category (24 CEUs every two (2) years.

Section 4.2 SUPERVISEE REQUIREMENTS AND RESTRICTIONS

(a) All Licensed Associate Counselors must have a Board-approved supervision plan/agreement prior to providing any counseling services. The Licensed Associate Counselor must notify the Board immediately and in writing of any proposed change in supervisors. The Licensed Associate Counselor must obtain Board approval of any change in supervisors. Failure to maintain an approved current supervision agreement may result in license suspension or revocation.

(b) All Licensed Associate Marriage and Family Therapists must have a Board-approved supervision plan/agreement prior to providing any therapy services. The

Licensed Associate Marriage and Family Therapists must notify the Board immediately and in writing of any proposed change in supervisors. The Licensed Associate Marriage and Family Therapists must obtain Board approval of any change in supervisors. Failure to maintain an approved current supervision agreement may result in license suspension or revocation.

(c) Counselors or Marriage and Family Therapists licensed at the associate level may offer professional counseling services beginning the date of approval on a valid and current supervision agreement filed with the Board and be under the supervision of a Board licensed supervisor. Not one client may be seen prior to that date. No clients may be seen by the associate licensee if the supervision agreement has expired and a new one has not been Board approved. There is no grace period for a supervision agreement that has expired; the associate licensee must cease and desist practice the expiration date of the agreement. Both supervisee and supervisor are responsible for being cognizant of the expiration date and for maintaining a current supervision agreement.

(d) The LAC or LAMFT is the responsible party for:

(1) Maintaining a current, valid, and approved supervision contract on file with the Board prior to providing any counseling services. The primary responsibility is with the LAC or LAMFT, but is a shared responsibility with the supervisor. Any practice or service rendered by the supervisee or any supervision by the supervisor becomes illegal at 12:01midnight the expiration date of the agreement.

(2) Maintaining an accurate Statement of Intent (Scope of Practice) and filing a copy of the current Board approved statement with the supervisor of record.

(3) Submission of supervision reports each six (6) months.

(e) Supervisees must carefully avoid multiple relationships with supervisors that interfere with the supervisory relationship; such as, having the ability to hire or dismiss the supervisee from employment.

Section 4.3 SUPERVISOR REQUIREMENTS AND RESTRICTIONS

(a) A Counselor or Therapist, holding a Supervision Specialization License, shall not sign new supervision plans/agreements if supervisor's license has not been renewed or if the supervisor is under investigation. If under investigation, no new contracts may be signed or submitted to the Board until all reviews, hearings, or disciplinary actions (if any in progress) are completed and resolved.

(b) Supervisors will be limited to twelve (12) supervision contracts at any given time. Exceptions to the limitation of twelve (12) may be made only at Board initiated request to a designated supervisor.

(c) The Board office staff may not approve supervision contract/agreements to exceed twelve supervisees (12) for any one supervisor.

(d) Supervisors must have a Board approved copy of a supervision plan/agreement dated prior to providing supervision to a LAC or LAMFT.

(e) Board approved supervisors of LAC/LAMFT must carefully avoid multiple relationships with supervisees that interfere with the supervisory relationship; such as, administrative supervisors within agencies with any level of direct or indirect administrative authority over the supervisee.

(f) The supervisor and the supervisee are both the responsible parties for maintaining a current Board approved supervision agreement/plan. Any practice or service rendered by the supervisee or any supervision by the supervisor becomes illegal at 12:01midnight the expiration date of the agreement.

(g) Supervisors are required to attend one (1) Board approved / sponsored / recognized supervisor training per licensure renewal period. These recognized trainings are available from Board recognized state associations (ArMHCA, ArACES, ArCA, ArMFTA, ArLCA, ArSCA & ArMHEA) and at other Board recognized and designated times and places such as regional or national conferences.

Section 4.4 SUPERVISION REPORTS AND EVALUATIONS

(a) Supervision evaluations and Client Contact Hours reports are due every six (6) months regardless of the number of CCH accumulated.

(b) The LAC or LAMFT is the party responsible for submission of supervision reports and evaluations every six (6) months.

(c) The maximum of a thirty (30) day grace period is allowed for the Board to receive the reports and evaluations.

(d) Reports submitted over thirty days late will be reviewed by the Board on a case by case basis to determine whether or not the hours will be accepted. The licensee and the supervisor must send written explanation for the late report. The Board will evaluate the stated reasons for the late reports. The Board may request the Supervisor and Supervisee to meet with the Board for additional information prior to making a decision concerning the situation.

(e) A continual pattern of violation and failure to comply with the law may result in an Administrative Hearing for disciplinary action, suspension or revocation of license.

(f) The supervisor and the supervisee are both the responsible parties for maintaining a current; Board approved supervision agreement/plan. Any practice or service rendered by the supervisee or any supervision by the supervisor becomes illegal at 12:01midnight the expiration date of the agreement.

V. APPLICATION REQUIREMENTS

Section 5.1 STATEMENT OF INTENT

The Statement of Intent (Scope of Practice) to practice must be completed, signed and dated on each page. The statement must be consistent with the credentials documented in the application for licensure and include a satisfactory response to all items on the Statement of Intent (Scope of Practice) form.

Section 5.2 TRANSCRIPTS

(a) Applicants must submit official transcript documentation for Board review. The Board office staff will review applicants' transcripts to ensure:

(1) That all academic coursework for licensure has been completed at institutions of higher education having accreditation duly recognized by the Board for degree programs and courses;

(2) That applicants are minimally qualified to sit for the appropriate written examination (s) by having completed either the required CACREP/CORE or COAMFTE/AAMFTE core curriculum courses; and

(3) That core curriculum courses have been completed prior to admission to written examination/examinations unless exempt under section 6.2 (d).

(4) That all course grades are B or above.

(b) If the transcript courses titles are ambiguous or do not adequately convey the pertinent content of the courses, the Board office staff is to request documentation of content from the applicant for clarification purposes.

Section 5.3 PROOF OF SUPERVISION

The applicant (licensed in another state or with an Arkansas state agency) will submit a record of post-master's supervised counseling work related experience and/or Marriage and Family Therapy work related experience for Board approval. The approved experience will determine the applicant's license (Associate or Professional) level.

Section 5.4 REFERENCES

(a) The applicant will submit a minimum of four (4) references. Copies of references sent directly from other state boards or university placement centers will be accepted by endorsement if no more than five years old. The applicant must include references from two (2) full time faculty members in the degree granting training program, one (1) supervisor of the applicant's clinical work and one (1) from another mental health professional.

(b) The Board will not accept evaluations recommendations, and documentation of supervised experience from persons related either by blood (both lineal and collateral consanguinity) or marriage (affinity). Current members of the Board may not submit references for the applicants.

(c) If a Board member supervised an applicant in graduate courses, the supervision may be documented and verified by that Board member. A Board member will not lead the Oral Examination nor evaluate the application file of a former student.

(d) All forms and instructions included in the application process will be considered part of the rules and regulations of the Board. The forms may not be altered or changed by applicants.

Section 5.5 BOARD DECISIONS

An affirmative vote of a majority of those Board members present and voting will be held as evidence of the following:

(a) The applicant has passed an oral examination;

(b) The applicant shall successfully complete a situational examination because of unresolved questions that arose during an oral examination;

(c) Application is processed for the Associate or the Professional License as determined by the documented, approved post-master's work experience;

(d) The applicant has been granted the license based upon satisfactory completion of the application process.

Section 5.6 APPLICANT STATUS WITH OTHER PROFESSIONAL ORGANIZATIONS AND BOARDS

Applications from individuals who are under investigation, sanction, probation, disciplinary supervision, revocation, or rehabilitation by counseling, psychology, social work, or other related Boards or credentialing bodies will not be considered for an Arkansas license until documentation from the issuing body is received that the sanctions are removed or completed

Section 5.7 DURATION OF APPLICATION

(a) Applications are active for twelve (12) calendar months from the date the application is received in the Board office.

(b) If the application process is not completed within (12) twelve months from receipt of the application by the Board, an applicant may request that the Board extend the twelve-month application window. If an extension is not requested, or is denied, the application becomes void and the applicant must apply as a new applicant.

(c) If new requirements have been placed for applicants in the twelve-month window the Board may require that the new requirements be met within the extension period as part of the application extension approval.

(d) A second extension period is discouraged and will only be considered by the Board when very unusual, extenuating circumstances are documented.

VI. EXAMINATIONS

Section 6.1 GENERAL ADMINISTRATION

(a) Applicants whose credentials meet the requirements of Ark. Code Ann. § 17-27-301 through 305, will be scheduled for written examinations. Oral and/or situational examinations may be required by the Board if deemed necessary.

(b) The Board staff will compile lists of applicants who have met all requirements for admission to the National Counselor Examination (NCE), American Marriage & Family Therapy Regulatory Board (AMFTRB), and/or National Clinical Mental Health Counseling Examination (NCMHCE) examination(s). The list will be supplied to the national test administrators regularly (weekly on most occasions).

(c) Each year the Board will contract for the administration of:

(1) The National Counseling Examinations (NCE) with the National Board for Certifying Counselors (NBCC).

(2) The National Clinical Mental Health Counseling Examinations (NCMHCE) with NBCC.

(3) The Examinations in Marital and Family Therapy with the Association of Marital and Family Therapy Regulatory Boards (AMFTRB).

(4) The Arkansas Board of Examiners in Counseling Jurisprudence Exam with NBCC.

(d) Cut-off scores established by the national examination agencies for each examination date are the minimum scores accepted by the Board for an applicant to meet respective written examination requirements for licensure.

(e) If the Board votes to deny the license, the applicant will be so notified by certified or signature confirmation mail. Specific reasons for denial will be stated.

(f) License will be granted to applicants who satisfactorily complete the application process and are approved by a majority vote of the Board.

(g) An applicant who fails required written examination the first time attempted may take it the second time at any date of his/her choice

(h) If the applicant fails to pass written, oral, or situational examination(s) in two trials, the applicant's application file will be removed from active status. The applicant must wait two years from the date of the second examination and apply as a new applicant meeting any requirements in place the date the new application is received in the Board office.

(i) Prior to an application being processed when an examination has been failed two times, the Board requires:

(1) A new application for licensure and examination may not be submitted prior to two years following the date of the second failed examination; and

(2) Documentation of completed additional graduate study in Counseling or Marriage and Family Therapy or other remedial work that the Board may specify.

Section 6.2 WRITTEN EXAMINATIONS

(a) All applicants for licensure must complete one of the following applicable written examinations.

(1) Counselor applicants must satisfactorily complete the National Counseling Examination (NCE) unless licensed in another state and required to take the NCMHCE (Section 9(i)).

(2) Marriage and Family Therapist applicants must satisfactorily complete the American Marriage and Family Therapy Regulatory Board (AMFTRB) examination and meet the national pass score.

(b) All applicants must provide verification of a successful passing score on the Arkansas Board of Examiners in Counseling Jurisprudence Exam when such exam becomes a part of the application process.

(c) The Board will adopt a prepared standardized test covering the specialized knowledge common to each license. The Board may contract with test design specialists to prepare and provide materials for such testing and to revise the examination as deemed necessary. Subtests in specialty skill areas may be a part of updating. The national pass score determined for each examination by the testing company is the acceptable score determined by the Board to be the pass level to qualify the applicant for the oral and situational examinations.

(d) Submission of application documentation and fees for national written examinations occurs in two (2) steps:

(1) Test application and associated fees must be made directly to the national examining organizations for admission to sit for the written examinations. The test applications and fees for written examinations must comply with the test company's deadlines.

(2) The licensure application, including transcripts, statements of intent, letters of recommendation and payment of the licensure application fee, must be received by the Board office for the applicant's name to be added to the approved list for test admission.

(e) Persons who are enrolled in the final semester of graduate study in counseling or marriage and family therapy and have completed the core curriculum courses may be admitted to the written examination by submitting to the Board, with their application, a letter stating their projected graduation date from one of the following college or university officials:

(1) Faculty Internship Coordinator
(2) Master's Committee Chair
(3) Graduate Coordinator
(4) Department Chair
(5) Registrar
(6) Associate Dean
(7) Dean

Section 6.3 ORAL EXAMINATIONS

(a) All individuals applying for licensure may be required to complete an oral examination prior to being granted a license. If the applicant is seeking dual licensure, he or she must complete~~,~~ oral, written and/or situational examinations. Individuals applying for a Supervision specialization license or the Technology-Assisted specialization, must successfully pass an oral examination.

(b) An oral examination may be scheduled for applicants upon receipt by the Board of the following: a passing score on the written examination, the~~ir~~ applicant's final official transcripts reflecting degree conferred, and all other application requirements.

(c) The oral examination ~~will~~ may include a review of the applicant's Statement of Intent, questions from the Board relative to the profession of counseling/therapy, and questions about credentials submitted with the application.

(d) If there are unresolved questions, the Board may require an oral examination of any applicant.

Section 6.4 SITUATIONAL EXAMINATIONS

(a) Situational exam - A situational demonstration of counseling or marriage and family therapy skills may be requested by the Board in the form of a DVD/CD, other technology-assisted methods, (example Skype) or live demonstration. A consent and release statement signed by each participant must accompany such session. The Board may utilize Licensed Marriage and Family Therapists or Licensed Professional Counselors, who have specialized knowledge common to the license being sought, to review and advise regarding the session or demonstration. At least one reviewer will have specialized knowledge appropriate to the review.

(b) The Board does not routinely require a situational examination be passed prior to oral examination. The Board may request a situational examination be administered and passed if the applicant does not successfully complete the oral examination or if the Board has unresolved questions about the competency and/or skills of the applicant.

(c) The situational examination may consist of a video recording, technology assisted methods, to be determined by the Board, of the applicant engaged in a counseling interaction with an internship client or volunteer.

(d) Volunteer clients who participated in the situational examination may not be persons related either by blood (both lineal and collateral consanguinity) or marriage (affinity) or from other inappropriate multiple relationships with the applicant.

(e) When the Board requires a situational examination, a signed and witnessed consent form signed by the client, even if a volunteer, must accompany the submitted video.

(f) Evaluation of the situational examination is based on demonstration of basic counseling skills on the part of the applicant appropriate to the content, effect, and behavior of the client/volunteer. The examination and the Board member reviews and evaluation forms signed by the Board members will be retained in the applicant's file.

Section 6.5 UNRESOLVED QUESTIONS

(a) Should the Board have unresolved questions of competence it may require any one or all of the following:

(1) Additional academic work;
(2) Additional supervised experience;
(3) Additional training;
(4) Additional references or recommendations;
(5) Clarification of Statement of Intent;
(6) Situational Examination, Oral Examination or both;
(7) Training documentation
(8) Other evidence deemed necessary to satisfy the Board as to the qualifications and/or fitness and competence of the applicant to practice as a counselor or marriage and family therapist.

Section 6.6 FEES

(a) Written examination fees are determined by the national testing companies and are paid directly to those providers.

(b) An examination fee may be set by the Board for the processing and conducting situational examinations.

(c) An annual file maintenance fee, determined by the Board, will be charged when application materials are retained in an active status longer than twelve (12) months from application date.

(d) The schedule of service-fees will be reviewed annually and will be set at the lowest possible level to meet the operational expenses of the Board as appropriated by the legislature. The fees established by the Board are published on the Board's website (www.abec.myarkansas.net) and are included in each application packet and each license renewal packet. Application and Renewal fees are found in Section XIII of the Rules.

VII. LICENSE RENEWAL

Section 7.1 EXPIRATION

All licenses expire biennially on June 30 of the renewal year. Licensing dates and payment of fees will be set to conform to the State's fiscal year, July 1 through June 30.

Failure to renew a license within twelve (12) months from the date of expiration will necessitate applying for the license as a new applicant meeting all requirements in effect as of the date the new application is received in the Board office. In this circumstance, prior to the application being processed, the applicant may be required to appear before the Board to explain the failure to meet the renewal deadlines.

Section 7.2 RENEWAL FEES

(a) The biennial license renewal fee is due and payable by May 31 of the renewal year.

(b) A late fee will be assessed if the renewal fee is postmarked after 12:01midnight, June 30 of the renewal year.

(c) Failure to pay the biennial fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent. {Arkansas Code Annotated §17-27-307 (2) (A}. Such lapsed license may be renewed within a period of twelve (12) months, from the expiration date, by payment of all fees and Board requirements that are in arrears.

Section 7.3 CONTINUING EDUCATION

(a) No license will be renewed without evidence of satisfactory completion of a minimum of twenty-four (24) clock hours of continued professional education and/or training in the twenty-four (24) months prior to renewal. Twenty one (21) of the twenty-four (24) clock hours must support the licensee's statement of intent. Evidence must also be submitted of a minimum of three (3) clock hours obtained in ethics relevant to the license being renewed.

(b) The continuing education policies for documentation and reporting for renewal purposes are adopted, as applicable, from those published by the National Board for Certified Counselors (NBCC).

(c) LAC's, LPC's, LAMFT's, and LMFT's are responsible for maintaining all appropriate documentation of their continuing education hours completed during the previous twenty-four (24) months should they be required for audit review. .

(d) A percentage of all renewal notices will be audited and each licensee must submit proper documentation of CEU credit. One-third of the file numbers each year may be selected for audit.

(e) If the licensee has not accumulated the required continuing education hours, the licensee may take the NCE, NCMHCE, or the AAMFT examination and meet the national pass score as a substitute for continuing education clock hours.

(f) American Association of Christian Counselors (AACC) continuing education documentation CEU'S related to Counseling or Marriage and Family Therapy is acceptable.

(g) The Arkansas Board of Examiners in Counseling does not screen programs offered by providers of continuing education. Providers are required to secure Approved Provider Status through NBCC, AAMFT, AACC, APA, CRCC, etc., prior to advertising the programs as approved for license renewal purposes. With official documentation, the continuing education program hours related to counseling or therapy that are offered by Arkansas universities and Arkansas state departments will be accepted.

(h) The maximum number of continuing education clock hours to be approved for reading/reviewing journal articles or newsletter articles shall not exceed six (6) clock hours) in a two year renewal cycle.

(i) The maximum number of online continuing education clock hours to be approved for renewal of the Supervision Specialization License shall not exceed three (3) clock hours. Three (3) clock hours must be from participation in a regional university continuing education program or from an ArCA, ArMHCA, ArACES,

ArLCAor ArMFT Conference program or acquired from participation at national conferences such as the Association for Counselor Education & Supervision (ACES).

(j) All specialization licenses are required to have six (6) hours of CEU training specific to the specialization license.

Section 7.4 STATEMENT OF INTENT

(a) A new Statement of Intent (Scope of Practice) must be received with the renewal fee and continuing education documentation for any license to be renewed. The Statement of Intent must be reviewed carefully and at least one theoretical approach to counseling must be checked and some techniques used in conjunction with that approach must be checked.

(b) The approved Statement of Intent (Scope of Practice) will be in force for the valid license date.

(c) Each page of the Statement of Intent (Scope of Practice) must be signed and dated.

(d) The Statement of Intent (Scope of Practice) may be revised at any time the scope of practice changes. The revised Statement of Intent (Scope of Practice) must be submitted to the Board for approval.

Section 7.5 RENEWAL NOTICE

Notices of renewal will be sent on or about December 15 of the renewal year. A percentage of all annual renewals may be randomly audited based on file number of the applicant. Forms are available on-line and will be sent on or about January 15 for the licensee to use for the documentation of continued education, statement of intent, and other related professional activities. Completion of such documentation by the licensee is mandatory prior to license renewal.

Section 7.6 RENEWAL REQUEST UNDER EXTENUATING CIRCUMSTANCES

Renewals from individuals who are under investigation, sanction, probation, disciplinary supervision, revocation, or rehabilitation by counseling, marriage and family therapy, psychology, social work, or other related Boards or credentialing bodies will not be considered for an Arkansas license renewal until documentation from the issuing body is received that the sanctions are removed or completed.

Non-Practicing status is available for extenuating circumstances, whether health related, leaving the field temporarily, retirement or military deployment. There is a $50 bi-annual fee for file maintenance.

VIII. DISCIPLINE

Section 8.1 COMPLAINTS

(a) When information or a complaint is received by the Board, and that information or complaint may affect the licensure of an applicant, the informant is required to present the information to the Board in signed, written form unless this creates eminent danger to the informant.

(b) When necessary, the complaint is investigated by the Board.

(c) Following the investigation the Board may:

(1) Close the complaint with no further action.

(2) Process a Consent Order and Resolution Agreement with the licensee that specifies conditions to be met and maintained.

(3) Hold an Administrative Hearing to determine whether disciplinary action should be taken.

Section 8.2 HEARINGS

(a) When appropriate, informal hearing procedures may be used to attempt to resolve complaints in lieu of an administrative hearing.

(b) Hearings to revoke or suspend a license or to impose other disciplinary sanctions are considered to be adjudicative hearings. The Board acts in a quasi-judicial capacity when it conducts an adjudicative hearing.

The Arkansas Administrative Procedure Act (APA) provides the basic framework for the conducting of adjudicative hearings.

These rules apply in all administrative adjudications conducted by the Board.

1. PRESIDING OFFICER

The Board Chairperson shall preside at the hearing or may designate one or more members of the Board or one or more examiners, referees, or hearing officers to preside at a hearing.

2. APPEARANCES

(i) Any party appearing in any agency proceeding has the right, at his or her own expense, to be represented by counsel.
(ii) The respondent may appear on his or her behalf.
(iii) Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.
(iv) Service on counsel of record is the equivalent of service on the party represented.
(v) On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.

3. CONSOLIDATION

If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

4. NOTICE TO INTERESTED PARTIES

If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

5. SERVICE OF PAPERS

Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding, except applications for witness subpoenas and the subpoenas, shall be served on each party or the party's representative at the address on file with the Board.

6. INITIATION & NOTICE OF HEARING

(i) An administrative adjudication is initiated by the issuance by the Board of a notice of hearing.
(ii) The notice of hearing will be sent to the respondent by U.S. Mail, return receipt requested, delivery restricted to the named recipient or his agent. Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the agency.
(iii) Notice will be mailed at least twenty one (21) days before the scheduled hearing unless an emergency is declared.
(iv) The notice will include:
A statement of the time, place, and nature of the hearing;
A statement of the legal authority and jurisdiction under which the hearing is to be held; and
A short and plain statement of the matters of fact and law asserted.

7. MOTIONS

All requests for relief will be made by motion. Motions must be in writing or made on the record during a hearing. A motion must fully state the action requested and the grounds relied upon. The original written motion will be filed with the agency. When time allows, the other parties may, within seven (7) days of the service of the written motion, file a response in opposition. The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However, a presiding officer, other than the Counseling Board, will not enter a dispositive order unless expressly authorized in writing to do so.

8. ANSWER

A respondent may file an answer no later than ten (10) days before the scheduled hearing.

9. DISCOVERY

(i) Upon written request, the agency will provide the information designated in A.C.A. § 25-15-208 (a) (3).
(ii) Such requests should be received by the agency at least ten (10) days before the scheduled hearing.

10. CONTINUANCES

The Board Chairman may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. The request must state the

grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. In determining whether to grant a continuance, the Board Chairman may consider:

(i) Prior continuances;
(ii) The interests of all parties;
(iii) The likelihood of informal settlements;
(iv) The existence of an emergency;
(v) Any objection;
(vi) Any applicable time requirement;
(vii) The existence of a conflict of the schedules of counsel, parties, or witnesses;
(viii) The time limits of the request, and;
(ix) Other relevant factors.

The Board Chairman may require documentation of any grounds for continuance.

11. HEARING PROCEDURES

(i) The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings; provided, however, any presiding officer other than the Counseling Board shall not enter a dispositive order or proposed decision unless expressly authorized in writing to do so.
(ii) All objections must be made in a timely manner and stated on the record.
(iii) Parties have the right to participate or to be represented by counsel in all hearings or pre-hearing conferences related to their case.
(iv) Subject to terms and conditions prescribed by the Administrative Procedure Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the agency, may submit briefs and engage in oral argument.
(v) The presiding officer is charged; with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

12. ORDER OF PROCEEDINGS

The presiding officer will conduct the hearing in the following manner:

(i) The presiding officer will give an opening statement, briefly describing the nature of the proceedings.

(ii) The parties are to be given the opportunity to present opening statements.

(iii) The parties will be allowed to present their cases in the sequence determined by the presiding officer.

a. Each witness must be sworn or affirmed by the presiding officer, or the court reporter, and be subject to examination and cross-examination as well as questioning by the ~~Counseling~~ Board. The presiding officer may limit questioning in a manner consistent with the law.

b. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

13. EVIDENCE

(i) The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law.

(ii) Stipulation of facts is encouraged. The agency may make a decision based on stipulated facts.

(iii) Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings.

(iv) A party seeking admission of an exhibit must provide twelve (12) copies of each exhibit at the hearing. The presiding officer must provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence must be appropriately marked and be made part of the record.

(v) Any party may object to specific evidence or any request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve the ruling until written decision.

(vi) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party

making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.

(vii) Irrelevant, immaterial, and unduly repetitive evidence will be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs,

(viii) Reasonable inferences. The finder of fact may base its findings of fact upon reasonable inferences derived from other evidence received.

14. DEFAULT

If a party fails to appear or participate in an administrative adjudication after proper service of notice, the agency may proceed with the hearing and render a decision in the absence of the party.

15. SUBPOENAS

(i) At the request of any party, the agency shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.

(ii) A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause, the agency may authorize the subpoena to be served less than two days before the hearing.

(iii) Any motion to quash or limit the subpoena shall be filed with the agency and shall state the grounds relied upon.

16. RECORDING THE PROCEEDINGS

The responsibility to record the testimony heard at a hearing is borne by the Board. In the event of the filing of a petition for judicial review, the Board will provide a

verbatim transcript of testimony taken before the Board. If requested under FOI, copies of the transcript will be provided at a cost per page.

17. FACTORS TO BE CONSIDERED IN IMPOSING SANCTIONS

In addition to any other considerations permitted by Arkansas Code Annotated § 17-27-101 et seq. if applicable, the agency in imposing any sanction may consider the following:

(i) The nature and degree of the misconduct for which the licensee is being sanctioned.
(ii) The seriousness and circumstances surrounding this misconduct.
(iii) The loss or damage to clients or others.
(iv) The assurance that those who seek similar professional services in the future will be protected from the type of misconduct found.
(v) The profit to the licensee.
(vi) The avoidance of repetition.
(vii) Whether the conduct was deliberate, intentional, or negligent.
(viii) The deterrent effect on others.
(ix) The conduct of the individual during the course of the disciplinary proceeding.
(x) The professional's prior disciplinary record, including warnings.
(xi) Matters offered by the professional in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the professional demonstrates that he or she is successfully pursuing in good faith a program of recovery.

18. FINAL ORDER

The Board will serve on the respondent a written order that reflects the action taken by the agency. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state conclusion of law and directives or other disposition entered against or in favor of the respondent.

SECTION 8.3 SUSPENSION, REVOCATION, DENIAL OF LICENSE ISSUE, DENIAL OF RENEWAL, & DENIAL OF APPLICATION FOR PROCESSING

(a) In accordance with the Arkansas Code Annotated §17-26-309 and § 25-15-201 et seq (Arkansas Administration Procedure Act), the Board will suspend, revoke, or deny renewal of any license if the Board finds that holder thereof:

(1) Has been found guilty of violating any ethical or professional standard under which the license holder practices; has failed to comply with mandated reporting as per state laws.

(2) Has not paid biennial renewal fee within the time stated.

(3) Has not satisfied the Board, by June 30 of the renewal year, with evidence of the completion of relevant professional or continued education experience.

(4) Has been found to be incompetent, has misused the license, or has been negligent in the rendering of counseling services.

(5) Has been convicted of a felony.

(6) Has failed to follow any special directions of the Board.

(7) Has had one's professional license/certificate revoked, suspended, or is under investigation by any other Arkansas Board or certifying/licensing agency or by any state Board of certifying/licensing agency.

(8) Has failed to meet requirements of the Criminal Background Check. (Ark. Code Ann. § 17-27-313).

(9) Renewals from individuals who are under investigation, sanction, probation, disciplinary supervision, revocation, or rehabilitation by counseling, psychology, social work, or other related Boards or credentialing bodies will not be considered for an Arkansas license renewal until documentation from the issuing body is received that the sanctions are removed, or completed

(10) ALTERNATIVE SANCTIONS

In addition, the Board may, after a hearing, impose upon a licensee, alternative sanctions provided by Ark. Code Ann. § 25-15-217, which include a civil penalty not to exceed $500.00 per violation.

(a) If the Board finds that it has erred in the granting of a license, the Board will give written notice by certified or signature confirmation mail of intent to annul the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within 30 days.

(b) A period of suspension shall not exceed six (6) months. During the period of suspension, the licensee shall not practice counseling/therapy in the state of Arkansas. If the licensee practices during this time, the Board or any citizen of the state of Arkansas

may petition for court proceedings to prohibit the unlawful practice of counseling/therapy and/or false representation as a licensed counselor or marriage and family therapist.

(c) The Board, or any member thereof, or any citizen of the state of Arkansas, may petition for court proceedings to prohibit the unlawful practice of counseling or marriage and family/therapy and/or false representation as a licensed counselor or marriage and family therapist.

(d) **Requirement to Keep Current Address & Contact Information On File. All persons holding a license issued by this Board are required to provide the Board with information so that the Board can remain in contact and provide notice of complaints and/or hearings. The licensee holder is required to provide written notice to the Board of any change in business and/or residence within ten (10) working days of the change. Service of notices of hearing sent by mail will be addressed to the latest address on file with the Board.**

(e) DENIAL OF LICENSE

1. If a preliminary determination is made that the application should be denied, the Board will inform the applicant of the opportunity for a hearing on the application.

2. The grounds or basis for the proposed denial of a license will be set forth in writing by the Board. Any hearing on the denial of a license will be conducted in accordance with the Arkansas Administrative Procedure Act.

(f) SUSPENSION, REVOCATION, ANNULMENT OR WITHDRAWAL

1. Prior to the entry of a final order to suspend, revoke, annul or withdraw a license, or to impose other sanctions upon a licensee, the Board will serve the licensee a notice of hearing in the manner set out in Arkansas Code Annotated § 25-15-208.

2. The Board has the burden of proving the alleged facts and violations of law stated in the notice.

(g) EMERGENCY ACTION

1. If the Board finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Board can summarily suspend, limit, or restrict a license. The notice requirement in h (1) does not apply and must not be construed to prevent a hearing at the earliest time practicable.

2. Emergency Order: An emergency adjudicative order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the Board. The written order must include notification of the Written Notice. The written emergency adjudicative order will be immediately delivered to persons who are required to comply with the order. One or more of the following procedures will be used:

(i) Personal Delivery;
(ii) Certified mail, return receipt requested, to the last address on file with the agency;
(iii) First class mail to the last address on file with the agency;
(iv) Fax notice may be used as the sole method of delivery if the person required to comply with the order has filed a written request that the Board orders be sent by fax and has provided a fax number for that purpose;
(v) Oral notice. Unless the written emergency order is served by personal delivery on the same day that the order issues, the Board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.
(vi) Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph 8.2 (4) of this rule, the agency must initiate a formal suspension or revocation proceeding.

(h) VOLUNTARY SURRENDER OF LICENSE

The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the Board's determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

(i) DUTY OF A SANCTIONED PROFESSIONAL

In every case in which a professional's license is revoked, suspended or surrendered, the licensee must:

(1) Return his or her license and any license pocket cards to the agency's office;
(2) Notify all of his or her clients in writing that his or her license has been revoked, suspended, or surrendered;
(3) Notify all clients to make arrangements for other professional services, calling attention to any urgency in seeking the substitution of another licensed professional;
(4) Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;

(5) Refund any part of the fees paid in advance that have not been earned;
(6) Keep and maintain a record of the steps necessary to accomplish the foregoing;
(7) File with the Board a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the agency will notify those entitled of the revocation, suspension, or surrender; and
(8) Within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the Board that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

(j) REINSTATEMENT AFTER SUSPENSION

1. An order suspending a license may provide that a person desiring reinstatement may file with the Board a verified petition requesting reinstatement.

2. The petition for reinstatement must set out the following:

(i) That the individual has fully and promptly complied with the requirements of section VIII ~~(K)~~ (J) of these rules pertaining to the duty of a sanctioned professional;
(ii) That the individual has refrained from practicing in this profession during the period of suspension;
(iii) That the individual's license fee is current or has been tendered to the agency;
(iv) That the individual has fully complied with any requirements imposed as conditions for reinstatement.
(v) Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.

3. Failure to comply with the provisions of Section 8.3 (J7 & J8) of the Rule precludes consideration for reinstatement.

4. No individual will be reinstated unless the Board of Examiners in Counseling approves reinstatement by majority vote.

(k) RE-LICENSURE FOR REVOKED OR SURRENDERED LICENSE

1. No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to

the Board. The application for re-licensure is not allowed until at least five years after the revocation or surrender of license took effect.

2. The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of the license before the application for re-licensure is received.
3. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.
4. The Board may require that the person seeking re-licensure take licensing examination.
5. The Board may require that the person seeking re-licensure have supervision for a specified time and ratio.
6. When applying for re-licensure after revocation or surrender of his or her license, the licensee must prove that he or she can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and that he or she is otherwise qualified for the license pursuant to Arkansas Code Annotated § 17-27-101 et seq and Rules in effect the date the application for re-licensure is received.
7. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.
8. The Board may require that the person seeking re-licensure take licensing examination.
9. The Board may require that the person seeking re-licensure have supervision for a specified time and ratio.
   (i) Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph 8.2 (4) of this rule, the agency must initiate a formal suspension or revocation proceeding.
   (ii) Certified mail, return receipt requested, to the last address on file with the Board;
   (iii) First class mail to the last address on file with the Board;
   (iv) Fax notice may be used as the sole method of delivery if the person required to comply with the order has filed a written request that the Board orders be sent by fax and has provided a fax number for that purpose;
   (v) Oral notice. Unless the written emergency order is served by personal delivery on the same day that the order issues, the Board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

Section 8.4 UNAUTHORIZED COUNSELING

(a) When the Board is made aware of a violation, or possible violation, of Ark. Code Ann. § 17-27-101 et seq., a certified or registered letter with return

receipt, showing delivery to addressee only, shall be mailed to the last known address of the person in question requesting that the person cease and desist the practice of counseling without a license. The letter will direct attention to pertinent aspects of the law and the rules governing practice of counselors and marriage and family therapists.

(b) If the cease and desist letter does not induce the person to refrain from practicing, holding himself/herself out to practice, and/or the use of title or activities, in violation, the information shall be forwarded to the appropriate law enforcement authorities.

IX. LICENSING UNDER SPECIAL CONDITIONS

Section 9.1 RECIPROCITY

No reciprocity agreement exists between other states or other Arkansas agencies. Applicants from other states or Arkansas agencies must apply and complete the formal application process prior to license issue. The following rules apply to the process:

(a) An applicant who has been licensed as a counselor or mental health professional in other state/states or by other Arkansas agencies must submit a License Verification Form (LVF) from each state or agency prior to the oral examination.

(b) Applicants who have continually maintained full licensure status as an LPC, LMFT or the equivalency for a minimum of three years (36 months) may be eligible for licensure endorsement by the Board. The applicant must provide verification that the minimum educational requirements identified in Section 3.6 have been met, the license issued by another Board is in good standing and there is no history of disciplinary action, sanctions or license denial by another state agency or by another Arkansas agency.

(c)Waiver of the NCE, NCMHCE, or the AMFTRB may be granted when the Board has determined that another examination is equivalent or an endorsement agreement has been reached with the other boards or agencies responsible for licensing Counselors/Therapists.

(d) Applicants moving from another state, who hold their licenses from that state under grandparenting, and were not previously tested for licensure, will be required to satisfactorily complete the National Clinical Mental Health Counseling Self-Assessment Examination (NCMHCE), ~~or~~ the National Counseling Examination (NCE) or the AMFTRB Examination.

(e) Applicants who do not meet the requirements identified in Section 9.1 (b) but meet the requirements for full license (LPC or LMFT) in another state requiring 2000 Client Contact Hours (CCH), will need to document an additional 1000 CCH of supervision or the application will be processed for LAC or LAMFT. The 2000 CCH from another state will be applied to the total number of required hours. The 1000 CCH to be earned in Arkansas must be year one with 1000 clock hours of supervised practice provided at the ratio of one (1) hour of supervision for each twenty (20) hours of client contact.

(f) Acceptability of supervision, gained prior to application, under other Licensing Boards or in exempt positions, will be determined in accordance with the following:

(1) The ethical and professional standards of the Association for Counselor Education and Supervision or the Commission on Accreditation of Marriage and Family Therapy Education, the American Association for Pastoral Counselors, Council for Accreditation of Counseling and Related Educational Programs, National Board for Certifying Counselors, Commission on Rehabilitation Counselor Certification.

(2) The appropriateness of the supervisory relationship.

(3) The direct counseling hours performed while under supervision will be credited at the ratio specified by the Board and must consist of direct, face-to-face supervision in either individual and/or group format. Technology-Assisted Distance Supervision may be reported if the Supervisor holds the Specialization License. Technology- Assisted Distance Supervision may not exceed fifty percent in any one phase.

(4) Indirect service hours while under supervision may not exceed 800 hours.

(4) Graduate school practicum or internship hours acquired in the Master's program are <u>not</u> credited to substitute for the required supervised professional work. Post Master's hours in practicum/internships not needed for the initial application for the Arkansas license may be applied.

(5) Hours spent conducting Psycho Educational groups (whether inpatient/outpatient or at other locations) may not be credited as Counseling or Marriage and Family Therapy to reduce the required direct or indirect post master's supervised work.

(g) Acceptable Post-Master's Supervision may include:

(1) A recognized post-master's internship training program

(2) Supervised CCH approved by another state's counseling Licensure Board or Marriage and Family Therapy Board

(3) Supervision approved by NBCC, AAMFT, CRCC or AAPC

(4) Supervised Counseling or Marriage and Family Therapy hours accrued during employment in private practice or in an agency or institution that meet Board adopted supervision criteria.

Section 9.2 CONSULTING

(a) Non-resident persons who are licensed by Counseling or Marriage and Family Therapy regulatory boards in other states or countries may provide consulting or research services within Arkansas for not more than thirty (30) days (discontinuous or continuous) per calendar year.

(b) Consultant is defined as a licensed LPC/LMFT who has practiced as a professional for a minimum of three (3) years in another state and contracts with an Arkansas agency or institution for research, workshops, training, or for providing advice and guidance on professional issues.

(c) Consultant activities and services must be short-term and contractual and must be sponsored and supervised by a licensed Arkansas LPC or LMFT.

(d) Prospective employees, moving to Arkansas from another state, who are applying for an Arkansas license are not to be considered consultants and are not exempt from licensure.

(e) Licensed Counselors or Marriage and Family Therapists who consult with other licensed professionals and/or develop relationships with Colleagues, Employers and Employees must follow the ACA Code Section D1.a through D.2.d.

Section 9.3 OTHER PROFESSIONALS AND AGENCIES

(a) Neither the National Counselor Examination nor the Association of Marital and Family Therapy Regulatory Board Examination will be waived for licensed Psychologists who apply for a license from the Board.

(b) Licensed Psychological Examiners (LPEs) who apply for a counseling or marriage and family therapy license must minimally complete 1000 CCH of direct client contact. . The maximum of two (2) years of supervised professional experience may be submitted for approval by the Board if the applicant documents supervised experience consistent with his/her Statement of Intent by submitting:

(1) Documentation from the Arkansas Board of Examiners in Psychology (ABEP)

(2) Statement from the ABEP or LPE supervisor verifying the ratio of supervision to CCH and that the scope of the practice supervised was not related to assessment, appraisal, or testing as part of their practice

(c) Any person holding a license from the Arkansas Board of Examiners in Psychology (ABEP) will not be approved for any appraisal, assessment, or testing under any license issued by this Board. All appraisal activities will be regulated by the ABEP for any persons licensed by both the Board of Examiners in Counseling and Board of Examiners in Psychology.

(d)(1) Clergy who are credentialed as member, fellow, or diplomat by the American Association of Pastoral Counselors (AAPC), Association for Clinical Pastoral Education (ACPE) or other Board-approved credentialing organizations will be accepted as meeting the Board definition of equivalent training for Licensed Associate or Professional Counselor or Marriage and Family Therapist

(2) Upon completion of the application process, providing a passing score on one of the written examinations (National Counseling Examination, Marriage and Family Therapy Examination, Pastoral Counselor Examination or equivalent), passing the situational and oral exams, clergy applicants with appropriate documented experience will be granted the Licensed Counselor or Marriage and Family Therapist license with the specialty license as pastoral counselor or pastoral marriage and family therapist.

(e) Applicants for the Licensed Professional Counselor license who hold a master's degree and who are credentialed as CRC by the Commission on Rehabilitation Counselor Certification (CRCC) standards adopted by CRCC July 1, 2003 will be accepted as meeting the Board definition of equivalent/parallel training for licensed Associate or Professional Counselor or Marriage and Family Therapist provided the core curriculum courses are included in the degree or in post-master's course work. The Certified Rehabilitation Counselor Examination (CRC Examination) has not been determined equivalent to the National Counseling Examination (NCE) and will not be substituted for the NCE for the LPC license. The CRC Examination will be accepted for the Rehabilitation Counselor Specialization License.

(f) If a candidate is licensed or certified to practice Counseling and/or Marriage and Family Therapy by a similar Board in another state, the Arkansas Board may at its discretion, waive the written examination requirements of a candidate if the candidate had an equivalent written examination in the process of obtaining the license in another state and has been continuously licensed. If the previous license has expired or lapsed the examination may not be waived. If the applicant had written the examination, but did not complete the licensure process, the written examination of record may not be more than five (5) years old to be accepted for Arkansas license application purposes.

(g) Persons who apply for an Arkansas license, have been continuously licensed seven years in another state and in good standing but lack no more than nine hours of the required graduate course work may have a one time license issued with the provision that the graduate course requirements must be met prior to the first license renewal.

(h) Documents relevant to an application from a person licensed in another state will be accepted as official if sent directly from the state licensing board, from NBCC, or from the American Association of State Counseling Boards National Credential Registry.

X. Ethics

Section 10.1 PROFESSIONAL ETHICS

(a) The Arkansas Board of Examiners in Counseling (ARBOEC) adopts the 2014 American Counseling Association (ACA) Code of Ethics existing as of the date of these Rules & Regulations, to comply with Arkansas Code Annotated 17-27-203 (c). No counselor or MFT licensed by the Board shall be sanctioned by the Board for transferring current or potential clients based on the counselor's or MFT therapist's conscience. Conscience is defined as the ethical, moral, or religious principles sincerely held by any counselor or MFT. This referral clause does not absolve the counselor or MFT from adhering to non-discrimination (ACA, 2014, A.11.b). The counselor or MFT shall only refer after careful consideration and consultation, and shall not abandon clients who seek assistance. Referrals shall only occur as a result of conscience if the counselor or MFT is unable to effectively serve the client. Effective 10 days following the Legislative Council approval date of these Rules.

(b) The American Association of Marriage and Family Therapist (AAMFT) 2015 Ethical Code, existing as of the date of these Rules & Regulations is adopted for all persons holding a Licensed Associate Marriage and Family Therapist (LAMFT) or the Licensed Marriage and Family Therapist (LMFT) license.

(c) Licensees holding multiple licenses must adhere to the codes of ethics of all professional certificates/licenses held and to the more stringent of the codes of ethics where there may be any appearance of conflict between codes.

(d) The Anti-Fraud and Code of Ethics Policy existing as of the date of these Rules & Regulations is adopted to comply with the Department of Finance and Administration to meet Auditing Standards #90 as issued by the auditing Standards Board of the American Institute of Certified Public Accountants.

XI. COUNSELOR/PSYCHOTHERAPIST AND MARRIAGE AND FAMILY THERAPIST – CLIENT COMMUNICATIONS AND MEDICAL RECORDS

The client of persons licensed by this Board has a privilege to refuse to disclose and to prevent any other person from disclosing his medical records or confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional condition, including alcohol or drug addiction, among himself, the licensee, and persons who are participating in the diagnosis or treatment under the direction of the licensee, including members of the client's family. See Rules 501, 502 and 503, Arkansas Rules of Evidence. The licensee is presumed to have authority to claim the privilege on behalf of the patient. The privilege is subject to the exceptions listed in Rule 503(d). The following communications are not protected by the privilege:

a. Communications relevant to an issue in proceedings to hospitalize the client are not privileged.
b. Communications made in the course of a court ordered examination of the client are not privileged unless the court orders otherwise.
c. Medical records or communications relevant to an issue of the physical, mental, or emotional condition of the patient in any proceeding in which he or she relies upon the condition as an element of his or her claim or defense, or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of his or her claim or defense.
d. The licensee may be required to furnish medical records, and communications in the context of formal discovery procedures.

XII. THE PRACTICE OF INTERNET OR TELEPHONE SERVICES

The Board adopts the National Board for Certified Counselors (NBCC) document titled The Practice of Internet Counseling. The NBCC document is adopted as part of Arkansas Rules to further extend and clarify Technology-Assisted Distance Counseling Ethics, Definitions and Standards for Counselors and Marriage and Family Therapist licensed in the state of Arkansas. The adoption of the document is to support and extend the American Counseling Code of Ethics for the practice of Internet Counseling.

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THE PRACTICE OF INTERNET COUNSELING

This document contains a statement of principles for guiding the evolving practice of Internet counseling. In order to provide a context for these principles, the following definition of Internet counseling, which is one element of technology-assisted distance counseling, is provided. The Internet counseling standards follow the definitions presented below.

A Taxonomy for Defining Face-To-Face and Technology-Assisted Distance Counseling

The delivery of technology-assisted distance counseling continues to grow and evolve. Technology assistance in the form of computer-assisted assessment, computer-assisted information systems, and telephone counseling has been available and widely used for some time. The rapid development and use of the Internet to deliver information and foster communication has resulted in the creation of new forms of counseling. Developments have occurred so rapidly that it is difficult to communicate a common understanding of these new forms of counseling practice.

The purpose of this document is to create standard definitions of technology-assisted distance counseling that can be easily updated in response to evolutions in technology and practice. A definition of traditional face-to-face counseling is also presented to show similarities and differences with respect to various applications of technology in counseling. A taxonomy of forms of counseling is also presented to further clarify how technology relates to counseling practice.

Nature of Counseling

Counseling is the application of mental health, psychological, or human development principles, through cognitive, affective, behavioral or systemic intervention strategies, that address wellness, personal growth, or career development, as well as pathology.

Depending on the needs of the client and the availability of services, counseling may range from a few brief interactions in a short period of time, to numerous interactions over an extended period of time. Brief interventions, such as classroom discussions, workshop

presentations, or assistance in using assessment, information, or instructional resources, may be sufficient to meet individual needs. Or, these brief interventions may lead to longer-term counseling interventions for individuals with more substantial needs. Counseling may be delivered by a single counselor, two counselors working collaboratively, or a single counselor with brief assistance from another counselor who has specialized expertise that is needed by the client.

Forms of Counseling

Counseling can be delivered in a variety of forms that share the definition presented above. Forms of counseling differ with respect to participants, delivery location, communication medium, and interaction process. Counseling *participants* can be individuals, couples, or groups. The *location* for counseling delivery can be face-to-face or at a distance with the assistance of technology. The *communication medium* for counseling can be what is read from text, what is heard from audio, or what is seen and heard in person or from video. The *interaction process* for counseling can be synchronous or asynchronous. Synchronous interaction occurs with little or no gap in time between the responses of the counselor and the client. Asynchronous interaction occurs with a gap in time between the responses of the counselor and the client.

The selection of a specific form of counseling is based on the needs and preferences of the client within the range of services available. Distance counseling supplements face-to-face counseling by providing increased access to counseling on the basis of necessity or convenience. Barriers, such as being a long distance from counseling services, geographic separation of a couple, or limited physical mobility as a result of having a disability, can make it necessary to provide counseling at a distance. Options, such as scheduling counseling sessions outside of traditional service delivery hours or delivering counseling services at a place of residence or employment, can make it more convenient to provide counseling at a distance.

A Taxonomy of Forms of Counseling Practice. Table 1 presents a taxonomy of currently available forms of counseling practice. This schema is intended to show the relationships among counseling forms.

Table 1

A Taxonomy of Face-To-Face and Technology-Assisted Distance Counseling

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Counseling
- Face-To-Face Counseling
    - Individual Counseling
    - Couple Counseling
    - Group Counseling
- Technology-Assisted Distance Counseling

- Telecounseling
  - Telephone-Based Individual Counseling
  - Telephone-Based Couple Counseling
  - Telephone-Based Group Counseling
- Internet Counseling
  - E-Mail-Based Individual Counseling
  - Chat-Based Individual Counseling
  - Chat-Based Couple Counseling
  - Chat-Based Group Counseling
  - Video-Based Individual Counseling
  - Video-Based Couple Counseling
  - Video-Based Group Counseling

Definitions

Counseling is the application of mental health, psychological, or human development principles, through cognitive, affective, behavioral or systemic intervention strategies, that address wellness, personal growth, or career development, as well as pathology.

Face-to-face counseling for individuals, couples, and groups involves synchronous interaction between and among counselors and clients using what is seen and heard in person to communicate.

Technology-assisted distance counseling for individuals, couples, and groups involves the use of the telephone or the computer to enable counselors and clients to communicate at a distance when circumstances make this approach necessary or convenient.

Telecounseling involves synchronous distance interaction among counselors and clients using one-to-one or conferencing features of the telephone to communicate.

Telephone-based individual counseling involves synchronous distance interaction between a counselor and a client using what is heard via audio to communicate.

Telephone-based couple counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is heard via audio to communicate.

Telephone-based group counseling involves synchronous distance interaction among counselors and clients using what is heard via audio to communicate.

Internet counseling involves asynchronous and synchronous distance interaction among counselors and clients using e-mail, chat, and videoconferencing features of the Internet to communicate.

E-mail-based individual Internet counseling involves asynchronous distance interaction between counselor and client using what is read via text to communicate.

Chat-based individual Internet counseling involves synchronous distance interaction between counselor and client using what is read via text to communicate.

Chat-based couple Internet counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is read via text to communicate.

Chat-based group Internet counseling involves synchronous distance interaction among counselors and clients using what is read via text to communicate.

Video-based individual Internet counseling involves synchronous distance interaction between counselor and client using what is seen and heard via video to communicate.

Video-based couple Internet counseling involves synchronous distance interaction among a counselor or counselors and a couple using what is seen and heard via video to communicate.

Video-based group Internet counseling involves synchronous distance interaction among counselors and clients using what is seen and heard via video to communicate.

Standards for the Ethical Practice of Internet Counseling

These standards govern the practice of Internet counseling and are intended for use by counselors, clients, the public, counselor educators, and organizations that examine and deliver Internet counseling. These standards are intended to address practices that are unique to Internet counseling and Internet counselors and do not duplicate principles found in traditional codes of ethics.

These Internet counseling standards of practice are based upon the principles of ethical practice embodied in the NBCC Code of Ethics. Therefore, these standards should be used in conjunction with the most recent version of the NBCC ethical code. Related content in the NBCC Code are indicated in parentheses after each standard.

Recognizing that significant new technology emerges continuously, these standards should be reviewed frequently. It is also recognized that Internet counseling ethics cases should be reviewed in light of delivery systems existing at the moment rather than at the time the standards were adopted.

Internet Counseling Relationship

1. In situations where it is difficult to verify the identity of the Internet client, steps are taken to address impostor concerns, such as by using code words or numbers.

2. Internet counselors determine if a client is a minor and therefore in need of parental/guardian consent. When parent/guardian consent is required to provide Internet counseling to minors, the identity of the consenting person is verified.
3. As part of the counseling orientation process, the Internet counselor explains to clients the procedures for contacting the Internet counselor when he or she is off-line and, in the case of asynchronous counseling, how often e-mail messages will be checked by the Internet counselor.
4. As part of the counseling orientation process, the Internet counselor explains to clients the possibility of technology failure and discusses alternative modes of communication, if that failure occurs.
5. As part of the counseling orientation process, the Internet counselor explains to clients how to cope with potential misunderstandings when visual cues do not exist.
6. As a part of the counseling orientation process, the Internet counselor collaborates with the Internet client to identify an appropriately trained professional who can provide local assistance, including crisis intervention, if needed. The Internet counselor and Internet client should also collaborate to determine the local crisis hotline telephone number and the local emergency telephone number.
7. The Internet counselor has an obligation, when appropriate, to make clients aware of free public access points to the Internet within the community for accessing Internet counseling or Web-based assessment, information, and instructional resources.
8. Within the limits of readily available technology, Internet counselors have an obligation to make their Web site a barrier-free environment to clients with disabilities.
9. Internet counselors are aware that some clients may communicate in different languages, live in different time zones, and have unique cultural perspectives. Internet counselors are also aware that local conditions and events may impact the client.

Confidentiality in Internet Counseling

10. The Internet counselor informs Internet clients of encryption methods being used to help insure the security of client/counselor/supervisor communications.

    Encryption methods should be used whenever possible. If encryption is not made available to clients, clients must be informed of the potential hazards of unsecured communication on the Internet. Hazards may include unauthorized monitoring of transmissions and/or records of Internet counseling sessions.
11. The Internet counselor informs Internet clients if, how, and how long session data are being preserved.

    Session data may include Internet counselor/Internet client e-mail, test results, audio/video session recordings, session notes, and counselor/supervisor communications. The likelihood of electronic sessions being preserved is greater

because of the ease and decreased costs involved in recording. Thus, its potential use in supervision, research, and legal proceedings increases.

12. Internet counselors follow appropriate procedures regarding the release of information for sharing Internet client information with other electronic sources.

    Because of the relative ease with which e-mail messages can be forwarded to formal and casual referral sources, Internet counselors must work to insure the confidentiality of the Internet counseling relationship.

    Legal Considerations, Licensure, and Certification

13. Internet counselors review pertinent legal and ethical codes for guidance on the practice of Internet counseling and supervision.

    Local, state, provincial, and national statutes as well as codes of professional membership organizations, professional certifying bodies, and state or provincial licensing boards need to be reviewed. Also, as varying state rules and opinions exist on questions pertaining to whether Internet counseling takes place in the Internet counselor's location or the Internet client's location, it is important to review codes in the counselor's home jurisdiction as well as the client's. Internet counselors also consider carefully local customs regarding age of consent and child abuse reporting, and liability insurance policies need to be reviewed to determine if the practice of Internet counseling is a covered activity.

The Internet counselor's Web site provides links to websites of all appropriate certification bodies and licensure boards to facilitate consumer protection.

XIII. FEES

License Application Fees

*Application Fee Initial LAC/LPC/LAMFT/LMFT license	$ 200
Application LAC to LPC or LAMFT to LMFT License	$ 100
*Application for Specialization License/Licenses	$ 50

First license fee for LAC/LAMFT is prorated based on the biennial $250.00 license fee, according to the number of months licensed, one time only, beginning July 1 of the fiscal year of license issue.

First license fee for LPC/LMFT is prorated based on the biennial $300.00 license fee, according to the number of months licensed, one time only, beginning July 1 of the fiscal year of license issue.

License Renewal Fees

Biennial license renewal-Associates (LAC/LAMFT)	$250
Biennial license renewal-Professionals (LPC or LMFT)	$300
Biennial Dual license renewal fee: LAC/LAMFT	$400
Biennial Dual license renewal fee: LPC/LMFT	$450
Late renewal fee July 1 to December 1	$100
Late renewal fee December 2 to June 30	$200

Specialization renewal fee $0.00 (renewal based on generic license renewal) if required continuing education submitted with renewal. If late, the late renewal fee will apply to specialization license renewal.

*If Specialization License applied for with initial application for the LAC/LPC , LAMFT/LMFT license the Specialization License fee of $50.00 does not apply.

License Examination Fees

NCE Examination – pay to	NBCC
NCMHCE Examination – pay to	NBCC
AMFTRB Examination –pay to	AMFTRB

XIV. FOOTNOTES

Rules shall be in effect ten (10) days following the Legislative Council approval date for individuals who hold a current Arkansas License, have an Arkansas application in process or for applications filed thereafter.

1. The rules Section 8.2, of this document are adopted from the Model Rules of Procedure for Regulatory and Licensing Agencies, Published pursuant to Act 1648 of 2001 May 17, 2002

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