

**RULES**

**ARKANSAS CODE ANNOTATED § 17-27-101 et seq**

**I. General Information**

**Section 1.1 ENABLING LEGISLATION**

The Rules are adopted pursuant to Arkansas Code Annotated § 17-27-101-313 et seq.

**Preface**

The Arkansas Board of Examiners in Counseling interprets the intent of the Legislature, passed as Arkansas Code Annotated §17-27-101 -104 et esq., to provide for the licensure and regulation of Counselors and Marriage and Family Therapists. The Act is both title and practice. The Governor, who signed it into law in 1979, and the Board interprets Act 593 of 1979, as amended by Act 244 of 1997, to be for the protection of the public welfare and in the public interest.

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 shall, at all times, apply the provisions of Arkansas Code Annotated § 17-27-101, et seq and the Rules adopted, from time to time, 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 and three counselor educators or supervisors, one of which shall also be a licensed Marriage and Family Therapist, if available, 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)

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)

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

**1.3 INFORMATION FOR PUBLIC GUIDANCE**

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47 Records of the Board shall be kept, maintained, and made available for inspection in accordance  
48 with the Arkansas Freedom of Information Act (Arkansas Code Annotated § 25-19-101 et seq).  
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50 In accordance with Arkansas Code Annotated §25-19-101 et seq, examination and copying of public  
51 records, client records “such as state income tax returns, medical records, scholastic records, adoption  
52 records, and other similar records which by law are required to be closed to the public shall not be deemed  
53 to be made open to the public.”  
54

55 Individual files, not required to be kept for historical purposes (Act 918 of 2005- An Act Concerning the  
56 Retention of Public Records by State Agencies), will be destroyed after five years. Examples are:  
57 incomplete application files, non renewed licensee files, and files of deceased persons. If any form of  
58 disciplinary action was recorded for any licensee or applicant, the files will be kept permanently and never  
59 destroyed. If persons who no longer hold a license or failed to be granted a license have a file in the “DO  
60 NOT DESTROY” files and apply for a license, the old file will be combined with the new application for  
61 Board review.  
62

63 Information for public guidance will follow Arkansas Code Annotated § 25-19-108 of the Arkansas  
64 Freedom of Information Act for public distribution.  
65

66 The Board will periodically release names of new licensees and the names of those licensees whose licenses  
67 have been suspended or revoked, and those who are appealing a suspension or a revocation, to the Arkansas  
68 Counseling Association, to the Arkansas Association of Marriage and Family Therapy, and the Arkansas  
69 Mental Health Counselors Association for publication in their newsletters.  
70

71 A periodic press release may be issued to state-wide newspapers listing licenses issued, suspended, and  
72 revoked. If the suspension or revocation is under appeal it will be so noted.  
73

74 Final decisions arrived at through administrative hearings will be available to requesters [including third  
75 party payers]. These decisions will be available through the Board’s web site or by written request from the  
76 Board office.  
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78 Section 1.4 PURPOSE OF ORGANIZATION  
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80 Law charges the Board with the responsibility for the regulation of the titles and the practices of  
81 Counseling and Marriage and Family Therapy and Specialization Licenses related to Counseling and  
82 Marriage and Family Therapy in the State of Arkansas. This includes examining the qualifications of the  
83 applicants and approving each for licensing, as well as revoking, suspending, and renewing licenses.  
84

85 Persons engaged in practices/activities of Counseling or Marriage and Family Therapy to  
86 individuals or groups in Arkansas must hold an Arkansas license for whatever method the services are  
87 offered, rendered or delivered. These regulations apply to all traditional approaches and to all technology-  
88 assisted distance approaches, including telephone approaches, to Counseling or Marriage and Family  
89 Therapy offered to individuals or groups in Arkansas. Telephone Crisis “Hot Lines”, telephone consultation  
90 between licensed mental health providers and emergency telephone calls are exempt. Counseling or

91 Marriage and Family Therapy telephone services provided as a regular scope of practice , as a business,  
92 advertised to the public with hourly fees as mental health services by Counselors or Marriage and Family  
93 Therapists requires and Arkansas license.. See Section XII for the ethics, definitions and standards.  
94

95 In order to protect the citizens of Arkansas, obtaining a license as a Counselor/Psychotherapist or  
96 Marriage and Family Therapist is a prerequisite to offering, rendering or delivering counseling services in  
97 Arkansas to individuals or groups located in Arkansas. The license requirement applies to traditional face  
98 to face counseling as well as to Technology-Assisted distance (electronic, computer, telephone) counseling.  
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100 If the individual or group receiving mental health services is physically located in Arkansas, the  
101 Counselor/Psychotherapist or Marriage and Family Therapist providing the services must hold an Arkansas  
102 license regardless of the whether he or she is located in-state or out of state.  
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104 If the Counselor/Psychotherapist or Marriage and Family Therapist is physically located in  
105 Arkansas, he or she must have an Arkansas license to provide Counseling/Psychotherapy or Marriage and  
106 Family Therapy services to individuals or groups located in Arkansas. If the licensee offers services to  
107 clients in another state, the licensee is subject to the laws of that state.  
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109 Section 1.5 ORGANIZATION OF THE BOARD  
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111 The Board will meet to organize within 30 days following January 2 of each year. The Board shall  
112 elect a chair and a secretary and other such officers, as it deems necessary, from its members to serve for  
113 terms of one year. Five (5) members shall at all times constitute a quorum. Additional meetings may be held  
114 at the discretion of the chair or upon written request of any three (3) members of the Board (Arkansas Code  
115 Annotated§17-27-202 et seq).  
116

117 Section 1.6 MEETINGS  
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119 Meetings of the Board, formal or informal, shall be open to the public. dates, times, and places of  
120 meetings shall be furnished to anyone requesting the information and made available to the press in  
121 compliance with Arkansas Code Annotated § 25-19-101 et seq. (Freedom of Information Act).  
122

123 Under the provisions of the Arkansas Freedom of information Act the Board may go into executive  
124 session for the purpose of giving oral licensure examinations or to develop examination questions to comply  
125 with Arkansas Code Annotated § 26-179-1059 (c) (5) (b). Executive session may be applied in accordance  
126 with Arkansas Code Annotated § 25-19-106 (a) (c) (1) and (5) (A) (B).  
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128 Section 1.7 FINANCES  
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130 The Board shall set licensing fees and no part of any fee shall be refundable under any conditions  
131 other than failure of the Board to hold examinations at the time originally announced. All fees collected  
132 shall be held in an Arkansas Bank, chosen by the Board, with funds being disbursed in accordance with  
133 current standard state accounting procedures. In addition to fees collected, the Board is empowered to  
134 accept grants from foundations and institutions to carry out its function. The Board may hire such personnel  
135 as necessary to carry out its activities. The Chairperson, the Executive Director, or another Board member  
136 shall be bonded to handle finances of the Board in compliance with state regulations.

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All receipts for fees are numbered, in triplicate and dated. Receipt numbers are to be certified by notarized letter from place of purchase.

Section 1.8 INTENT OF THE ACT

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

Section 1.9 DEFINITIONS

“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.

“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

“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.

“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.

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

191  
192 “Licensed Professional Counselor” shall mean any person holding himself/herself out to the public  
193 by any title or description of services incorporating the words Licensed Professional Counselor, who meets  
194 the requirements set forth in Section 3.2 of the rules and regulations, and who offers to render counseling  
195 services to individuals, groups, organizations, corporations, institutions, government agencies, or to the  
196 general public for monetary remuneration or who otherwise implies licensure, training, experience, and/or  
197 expertise in counseling and who holds a current valid license to practice counseling/psychotherapy.  
198 Nothing in this definition shall be construed to include those professions excluded by Ark. Code Ann. § 17-  
199 27-103.

200  
201 “Marriage and Family Therapy” means the use of scientific and applied marriage and family  
202 theories, methods and procedures for the purpose of describing, evaluating and modifying marital, family  
203 and individual behavior within the context of marital and family systems, including the context of marital  
204 formation and dissolution. Marriage and family therapy is based on systems theories, marriage and family  
205 development, normal and dysfunctional behavior, human sexuality and psychotherapeutic, marital and  
206 family therapy theories, and techniques in the evaluation, assessment and treatment of interpersonal or  
207 intrapersonal dysfunction within the context of marriage and family systems. Marriage and family therapy  
208 may also include clinical research into more effective methods for the treatment and prevention of the  
209 above-named conditions. Nothing in this definition or in this chapter shall be construed as precluding  
210 licensed professional counselors or licensed associate counselors from rendering these services.

211  
212 “Privileged Communication” shall mean any communication between client and counselor given in  
213 confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in  
214 the furtherance of the rendition of professional services to the client.

215  
216 “Referral activities” means the evaluating of data to identify problems and to determine the  
217 advisability of referral to other specialists.

218  
219 “Relevant Professional” or “Continued Education Experience” means documented training,  
220 workshops, institutes, seminars, etc., primarily counseling in content. The Board accepts documented clock  
221 hours as described in Section 7.3.

222  
223 “Research activities” means reporting, designing, conducting, or consulting on research in  
224 counseling with human subjects.

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226 “Statement of Professional Intent” means a typed statement from the applicant , on file with the  
227 Board, describing the scope of practice for use under the requested license, the public with whom the

228 applicant will work, and the counseling/psychotherapy and appraisal approaches the applicant plans to use  
 229 (including techniques and tools).

230  
 231 “Supervision” means professional monitoring and reporting (a) of a Licensed Associate Counselor  
 232 (LAC) by an individual licensed as a LAC supervisor and (b) of a Licensed Associate Marriage and Family  
 233 Therapist (LAMFT) by an individual licensed as a LMFT supervisor.

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 235 “Practicing Counselors” means individuals who apply mental health, psychological or human  
 236 development principles, through cognitive, affective, behavioral or systemic intervention, strategies that  
 237 address wellness, personal growth, or career development, as well as pathology.

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 239 “Counselor Educator” means Counselors who are responsible for developing, implementing, and  
 240 supervising educational programs and are skilled as teachers and practitioners. They are knowledgeable  
 241 regarding the ethical, legal, and regulatory aspects of the profession, are skilled in applying that knowledge,  
 242 and make students and supervisees aware of their responsibilities. Counselor Educators conduct counselor  
 243 education and training programs in an ethical manner and serve as role models for professional behavior.  
 244 Individuals, who develop, implement/conduct and supervise comprehensive education and training  
 245 programs for counseling trainees in a knowledgeable, skillful and ethical manner, and serve as culturally-  
 246 aware role models for professional behavior. Counselor Educators are considered professionals at the degree  
 247 level of Ed.D. or Ph.D. in counseling, psychology, or closely related field level of education who infuse  
 248 material related to human diversity into all courses and/or workshops that are designed to promote the  
 249 development of professional counselors. Counselor Educators are individuals whose primary profession is  
 250 as a counselor educator, employed at least half time in an Arkansas institution of higher education or  
 251 counselor educators retired from a higher education institution in Arkansas.

252  
 253 “Adjunct lecturer” means persons who teach counseling courses, part time for various reasons at  
 254 universities in higher education. They are considered practicing counselors by profession, if licensed or  
 255 licensable. They are eligible for board service under the practicing counselor category.

256  
 257 “Supervisor” means an individual who holds a state appointment as a supervisor in the State  
 258 Department of Education for the purpose of promoting the development of professional counselors in the  
 259 public schools and holds the EdD or the PhD level of education in counseling or related field. The intent of  
 260 Act 593 of 1979 was to recognize the State Supervisors of public school counselors as equal to Counselor  
 261 Educators in Higher Education as persons responsible for programs and training. The amendments of Act  
 262 244 of 1997 did not address nor change the intent of the Act 593 of 1979. Arkansas individuals who hold  
 263 the LPC or LMFT license and also hold the Supervision Specialization License are approved to supervise  
 264 LAC and LAMFT licensed individuals.

265  
 266 “Licensed or Licensable” means a person who hold an Arkansas counseling or therapy license that is  
 267 in good standing with the Board or persons who have filed an application and are in the process of  
 268 becoming licensed by the Counseling Board. Individuals who have an application in process but fail the  
 269 examinations or fingerprint check are not considered licensable.

270  
 271 “Distance Learning” means distance education; learning or distance learning, a formal education  
 272 process, in which instruction occurs when the student and instructor are not located in the same place.  
 273 Distance learning adds technology to the learning environment by a variety of means. Instruction may be

274 synchronous or asynchronous. Courses taught via distance learning must be approved by the Board, as per  
 275 the rules for distance course work, prior to acceptance of courses used in an application for an Arkansas  
 276 license. Section 3.6 (1)(h)(i)(j) As this form of education has evolved with technology, it may be referred  
 277 to as cyber learning, electronic learning, distance learning. For the purposes of these rules, the term distance  
 278 learning refers to all none traditional methods of presentation.  
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280 “Technology-Assisted Distance Counseling” (Electronic Counseling, Cyber Counseling) for  
 281 Counseling or Marriage and Family Therapy means any form of services offered or rendered by electronic  
 282 or technology-assisted approaches when the Counselor or Marriage and Family Therapist and the client are  
 283 not located in the same place. Technology-Assisted Distance Counseling may be synchronous or  
 284 asynchronous. Only Counselors and Marriage and Family Therapists, licensed by the Arkansas Board of  
 285 Examiners in Counseling, who also hold the Technology-assisted Distance Counseling or Marriage and  
 286 Family Therapy Specialization License, may provide Technology Assisted Distance Counseling or Marriage  
 287 and Family services.  
 288

289 “Traditional Counseling” means any form of Counseling or Marriage and Family Therapy offered or  
 290 rendered in person, face to face, with the Counselor or Marriage and Family Therapist in the same physical  
 291 location.  
 292

293 “Group Counseling or Group Marriage and Family Therapy” means two or more persons meeting  
 294 with the Counselor or Marriage and Family Therapist.  
 295

296 “Technology” means electronically based hardware, software, video and related systems and  
 297 telephone systems to deliver knowledge, skills, and tools for learning and communication processes.  
 298 Technology for Counseling or Marriage and Family Therapy encompasses distance learning and distance  
 299 counseling by any form of technology system /telephone system delivers of services. See section XII for the  
 300 Technology-Assisted Distance Counseling definitions.  
 301

302 “Direct Service” means interaction with clients that includes the application of Counseling or  
 303 Marriage and Family Therapy for human development skills and/or for mental health issues. In general, the  
 304 term is used to refer to time spent by the Counselor or Marriage and Family Therapist working face to face  
 305 or directly with individuals or groups.  
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307 “Indirect Service” means consultation, case management, paperwork, staffing, billing and test  
 308 administration when the Counselor or Marriage and Family Therapist is not working directly with the  
 309 individuals or groups , but the services are directly related to the individuals or groups employing the  
 310 Counselor or Marriage and Family Therapist.  
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312 **II. EXEMPTIONS**

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 314 Section 2.1 CLERGY

315  
 316 (a) Clergy appointed and/or endorsed to practice pastoral counseling as long as they are operating in  
 317 a role within the congregation or synagogue or ministry assignment (such as Pastor, Associate  
 318 Minister, Staff member, Institutional Chaplain –military, hospital, industrial, etc.) and are serving  
 319 members of that assignment are exempt from licensure requirements.

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(b) Any minister, clergy or pastoral counselor who has a private practice, offers services to persons outside membership of their assignment or accepts fees from any source, such as third party payments, clients, donations, etc., or from people outside their congregations, church, synagogue, or immediate work (such as chaplaincy) or offers counseling services to the public must be licensed by this Board. This includes part-time, private practice provided in addition to or beyond the documented assigned, ministry work as pastor, chaplain, etc.

**III. LICENSING QUALIFICATIONS**

**Section 3.1 LICENSING ASSOCIATE COUNSELOR (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) 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 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. The green card must be current and issued by the U.S. Immigration Bureau.
- (f) The intent of the law is for the required three years 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. If the three years of supervision, defined as Phases I, II, and III, are not completed in six calendar years from the date of the LAC license issue, the LAC license may not be renewed unless the individual holding the LAC license can document extenuating circumstances, acceptable to the Board, that would allow the Board to extend the six years. The Board, based on the documented circumstances, will determine the length of time, if any, that may be extended beyond the six years.

**Section 3.2 LICENSING PROFESSIONAL COUNSELOR (LPC)**

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

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



366 (b) Must provide evidence of three years of supervised full-time experience in professional  
367 counseling beyond the Master's Degree acceptable to the Board. One year of experience may be  
368 gained for each 30-semester hours of graduate work beyond the Master's level, provided the hours  
369 are clearly counseling in nature and acceptable to the Board. Hours earned may be substituted for no  
370 more than two (2) years of supervised professional experience. The Board of Examiners in  
371 Counseling does not have the power to waive any required period of supervised experience.  
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374 Section 3.3 LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST (LAMFT)

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

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377 (a) Must have received a graduate degree in marriage and family therapy or related field from a  
378 regionally accredited institution. The graduate semester hours must meet the national academic and  
379 training content standards adopted by the Board from the Commission on Accreditation for Marriage  
380 and Family Therapy Education (COAMFTE) or the Council for Accreditation Counselor Related  
381 Education Programs (CACREP) or equivalent;  
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384 (b) Must demonstrate professional competencies by passing written, oral, and situational  
385 examinations prescribed by the Board;  
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387 (c) Must arrange supervision with a Board-approved Licensed Associate Marriage and Family  
388 Therapist supervisor and have the plan/agreement for supervision approved by the Board prior to  
389 license issue;  
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391 (d) Must have met the Criminal Background Check mandated by Act 1317 of 1997;  
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393 (e) Must be a citizen of the U.S. or have an immigration green card to document and verify legal  
394 alien work status in the U.S. The green card must be current and issued by the U.S. Immigration  
395 Bureau.  
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397 (f) The intent of the law is for the required three years of supervision as a Licensed Associate  
398 Marriage and Family Therapist (LAMFT) to be training with the intent to become a Licensed  
399 Marriage and Family Therapist (LMFT). The intent of the law is not for the LAMFT license to be a  
400 permanent license. If the three years of supervision, defined as Phases I, II, and III, are not  
401 completed in six calendar years from the date of the LAMFT license issue, the LAMFT license may  
402 not be renewed unless the individual holding the LAMFT license can document extenuating  
403 circumstances, acceptable to the Board, that would allow the Board to extend the six years. The  
404 Board, based on the documented circumstances, will determine the length of time, if any, that may  
405 be extended beyond the six years.  
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407 Section 3.4 LICENSED MARRIAGE AND FAMILY THERAPIST (LMFT)

408 In order to be eligible as a Licensed Marriage and Family Therapist, an applicant:  
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- 411 (a) Must have received a graduate degree in Marriage and Family Therapy or related field from a  
412 regionally accredited institution. The graduate semester hours must meet the national academic and  
413 training content standards adopted by the Board from the Commission on Accreditation for Marriage  
414 and Family Therapy Education (COAMFTE version 10.1) or the Council for Accreditation of  
415 Counseling and Related Educational Programs (CACREP) 2001 Standards, pages 87-88;  
416
- 417 (b) Must demonstrate professional competencies by passing written, oral, and situational  
418 examinations prescribed by the Board;  
419
- 420 (c) Must have met the Criminal Background Check mandated by Act 1317 of 1997;  
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- 422 (d) Must be a citizen of the United States or have a green card to document and verify legal alien  
423 work status in the U.S. The green card must be current and issued by the United States Immigration  
424 Bureau; and  
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- 426 (e) Must provide evidence of three years of supervised full-time experience in marriage and family  
427 therapy beyond the Master's Degree acceptable to the Board. One year of experience may be gained  
428 for each 30 semester hours of graduate work beyond the Master's level, provided the hours are  
429 clearly marriage and family therapy in nature and acceptable to the Board. Hours earned may be  
430 substituted for no more than two years of supervised professional experience. The Board of  
431 Examiners in Counseling does not have the power to waive any required period of supervised  
432 experience.  
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434 Section 3.5 Specialization Areas  
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- 436 (a) The Board shall evaluate areas of specialization. The Board will use the national standards for the  
437 preparation of counselors, prepared by the specific professional association, as a guide in establishing the  
438 standards for counseling; i.e., Rehabilitation Counseling, Pastoral Counseling, Career Counseling, School  
439 Counseling, Clinical Mental Health Counseling/Psychotherapy, Geriatric Counseling, Counseling  
440 Supervision, Drug & Alcohol, Addictions, Appraisal, Art, Music, Mediation, Electronic Counseling,  
441 Electronic Supervision or other specified counseling areas. If no national standards are available, the Board  
442 will adopt the highest Arkansas standards available.  
443
- 444 (b) Specialization licenses will be granted to individuals who hold the LPC, LAC, LAMFT, or LMFT  
445 license and are in good standing with the Board. The applicant for the specialization license who holds  
446 certification, registry, or license issued by recognized and Board approved national associations or  
447 credentialing bodies will submit that documentation. Certifications received directly from the National  
448 Board for Certified Counselors (NBCC) or the American Association for Marriage and Family Therapist  
449 will be accepted as documentation for the requested specialization license. If no national standards are  
450 available the Board will adopt the highest Arkansas state standards available for that specialization.  
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- 452 (c) Specialization licenses include:  
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- 454 (1) Gerontology specialization license with the standard for issue being NBCC certification.
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  - 456 (2) Career specialization license with the standard for issue being criterion set by NBCC.

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(3) Art Therapy specialization license with the standard for issue being the American Art Therapy Association standards.

(4) 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).

(5) 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).

(6). Appraisal Specialization license standards for issue being [(1)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).

(7) 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) 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; or

(iii) A completed Board approved training (specific to the supervision license, LAC or LAMFT) in supervision of at least forty-five (45) clock hours class

503 instruction and eighteen (18) hours of supervised experience of supervision  
504 arranged by the trainers.

505  
506 (D) Must submit and have Board approval of:

507  
508 (i) A typed description of his/her theoretical orientation to supervision (specific  
509 to the supervision license, LAC or LAMFT), including model of supervision,  
510 and techniques of practice;

511  
512 (ii) A signed code of ethics agreement and a group supervision plan and forms;

513  
514 (iii) An Oral Examination with the Board

515  
516 (8) Mediation Specialization license standard for issue being the Certification Standards  
517 established by the Arkansas Commission for Mediation.

518  
519 (9) Technology-Assisted Distance Counseling or Marriage and Family Therapy  
520 Specialization license standards for issue for Counseling or Marriage and Family Therapy or  
521 Supervision being:

522  
523 (A) A licensed LPC/LAC or LMFT/LAMFT in good standing with the Board must  
524 apply for the Technology-assisted Distance Counseling or Marriage Family Therapy  
525 specialization license and submit documentation of training for approval by the Board. As  
526 training sources are developed, the responsibility for seeking Board endorsement for the  
527 training rests with the provider of the training. The provider must submit a written request  
528 with materials documenting the training content for Board review and approval prior to  
529 endorsement of the training.

530  
531 (B) The written submission of a detailed plan that delineates how the applicant will meet  
532 provisions of the 2005 American Counseling Association Code of Ethics and the Standards  
533 in Section XII regulating Technology-Assisted Distance Counseling or Marriage and Family  
534 Therapy for Board approval.

535  
536 (C) Revised Statement of Intent (scope of practice) that includes a description of the  
537 Technology-Assisted Distance Counseling or Marriage and Family Therapy.

538  
539 (D) The Board may require an oral examination if there are unresolved questions about  
540 requirements (9) (A-F).

541  
542 (E) The submitted materials must be approved by the Board prior to the Technology-  
543 Assisted Distance Counseling or Marriage and Family Therapy Specialization license being  
544 issued.

545  
546 (F) Any Technology-Assisted Distance Counseling or Marriage and Family Therapy  
547 that occurs within the State of Arkansas, whether by an Arkansas counselor or by an out of  
548 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.

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

(e) Licensed Counselors or Therapists 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 3.6 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) 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 July 1, 2003), 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 Commission on Accreditation for Marriage and Family Therapy Education Standards (COMFTE version 10.1) or CACREP Standards – 2001 Edition, pages 87-88, for Marriage and Family Therapy.

(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, Pages 60-61 (3 Graduate Hour Minimum)

(B) Social and Cultural Diversity, Page 61 (3 Graduate Hour Minimum)

595 (C) Human Growth and Development, Pages 61-62 (3 Graduate Hour Minimum)

596  
597 (D) Career Development, Page 62 (3 Graduate Hour Minimum)

598  
599 (E) Helping Relations, Pages 62-63 (3 Hour Graduate Minimum)

600  
601 (F) Group Work, Pages 63-64 (3 Graduate Hour Minimum)

602  
603 (G) Assessment, Page 64 (3 Graduate Hour Minimum)

604  
605 (H) Research and Program Evaluation, Pages 64-65 (3 Graduate Hour Minimum)

606  
607 (I) Practicum and/or Internships, Pages 66-68 (9 Hour Minimum),  
608 Effective January 1, 2003

609  
610 (f) January 1, 2005, courses (1-3), listed below became mandated core curriculum courses for any  
611 application processed for any license issued by the Board. The three courses are in addition to the  
612 requirements in (c) and (d) above.

613  
614 (1) Psychopathology, including DSM and ICD training (3 Hour Minimum)

615  
616 (2) Family and Relationship (3 Hour Minimum)

617  
618 (3) Psychopharmacology (3 Hour Minimum)

619  
620 (g) International degree(s) relied on in applying for a license of any kind from the Arkansas Board  
621 must be submitted with an English translation and certification from a credential evaluation service.  
622 These agencies must certify that the international degree is equivalent to a United States graduate  
623 degree. All cost for the certification is the responsibility of the applicant. The applicant may contact  
624 the Board office for information about approved agencies that provide the services.

625  
626 (h) All graduate course hours used in the application for any license issued by the Arkansas Board  
627 must have a "B" grade or above. Grades of "C" or below will not be accepted for licensure purposes.

628  
629 (i) (1) Distance/Cyber/Electronic education degrees will be treated the same as onsite education  
630 degrees if the degrees are primarily professional counseling or therapy in content and are  
631 earned from a regionally accredited institution of higher education and the distance  
632 education degree programs are accredited as required, ((j) (A-H).

633  
634 (2) Each course within the degree must meet the requirements in CACREP Standards-2001,  
635 pages 60-88. Courses must be graduate credit, meet the CACREP standards, and meet the  
636 American Counselor Educators and Supervisors (ACES) course guidelines. ACES  
637 Technology Interest Network 1999, course quality items 1-26, are adopted for distance  
638 learning courses.

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640 (3) Cyber/Distance learning includes cyber/distance (electronic) learning/education. The  
641 definition of distance learning/education acceptable to the Board for licensure purposes is a  
642 formal education process in which instruction occurs when the student and instructor are not  
643 located in the same place. Distance learning adds technology to the learning environment by  
644 a variety of means, such as web sites, e-mail, video conferencing, and videotapes. Instruction  
645 may be synchronous or asynchronous. Video tapes may not comprise more than 20% of the  
646 instruction time in any one course.

647  
648 (j) The responsibility for documenting that each course, content and presentation, meets the  
649 standards for Board endorsement and acceptance is the responsibility of the granting institution and  
650 the applicant. The Board review and acceptance/denial of each Cyber/Distance/Electronic course is  
651 mandated prior to the application being processed for any Arkansas license issued by the Board.  
652

653 (k) Institutions of higher education that have graduate counselor education and related graduate  
654 programs that are not accredited/certified by CACREP must seek endorsement from the Arkansas  
655 Board. The Board has endorsed certification/accreditation from the following as equivalent  
656 or parallel to CACREP: The Council on Rehabilitation Education (CORE, 2001 edition), the  
657 United States Department of Education, the Council for Higher Education Accreditation,  
658 (CHEA) or institutions accredited by other nationally recognized accrediting bodies must  
659 seek and secure endorsement equivalency to the adopted standards from the Arkansas Board  
660 of Examiners in Counseling. The endorsement must be completed prior to applications and  
661 course work of graduates from those programs being processed. The institution seeking  
662 endorsement must submit the following information for Board review:  
663

664 (A) Ten (10) graduate catalogs;

665  
666 (B) A completed Core Curriculum for the 60 hour requirements, effective January 1,  
667 2003 with the course numbers and titles from the graduate program;

668  
669 (C) A copy of each syllabus listed on the Core Curriculum;

670  
671 (D) A letter from the university verifying that the content of the courses are  
672 equivalent to the CACREP Standards, 2001. The CACREP Course Standards-2001  
673 are the standards used for a transcript to be processed for licensure purposes;

674  
675 (E) Documentation that the quality of each course meets the Course Quality  
676 Guidelines, 1- 26, of the ACES 1999 Guidelines;

677  
678 (F) A copy of the distance learning program or traditional program  
679 approval/accreditation from the accrediting/certifying agency that has accredited the  
680 university degree program/programs;

681  
682 (G) The software used for distance learning platform; and

683  
684 (H) Any other materials the university would like to submit to the Board to support  
685 the institution's endorsement request.

686  
687 (2) When the information (j) (A-H) is received, reviewed, and approved by the Board, the  
688 administrative office staff may use the information to review current and future transcripts  
689 from graduates of the endorsed institution. The institution has the responsibility to keep the  
690 syllabi and other university materials current to expedite any applications received from  
691 graduates of the institution. The institution has the responsibility to ensure that all courses  
692 meet the requirements set forth in the Rules/Regulations.

693  
694 (3) Unacceptable coursework:

695  
696 (a) Undergraduate credits will not be accepted toward the academic requirements for  
697 licensure or supervision.

698  
699 (b) Graduate credits from correspondence study, on-line video courses, satellite, home study  
700 or similar non-residence credits will not be accepted toward the academic requirements for  
701 licensure nor to decrease the number of required Client Contact Hours (CCH) for  
702 supervision. Such courses may be accepted for continuing education credits upon Board  
703 approval.

704  
705 (c) Courses described in (3) (b) may be accepted for continuing education credit only.

706  
707 (d) No course with a grade of C or below will be accepted for licensure, continuing  
708 education, or supervision substitution purposes.

709  
710 **IV. SUPERVISION**

711  
712 Section 4.1 SUPERVISION CONTENT

713  
714 (a) Supervision for the Associate Counselor in Arkansas must be provided by a practitioner who is a  
715 Licensed Professional Counselor, holds approved supervisor status from the Arkansas Board, and whose  
716 license is valid (i.e. not suspended due to delinquent renewal or disciplinary action). Supervision hours for  
717 applicants moving into the state must be approved by the Board. The Standards for Clinical Approved  
718 Supervisor (CAS) by the National Board for Certified Counselors are adopted by the Board as the standards  
719 to ensure the preparation in methods and techniques for practicing counselors who offer clinical supervision  
720 services to Associate Counselors for the protection of the client.

721  
722 (b) Supervision for the Associate Marriage and Family Therapist in Arkansas must be provided by a  
723 practitioner who is a Licensed Marriage and Family Therapist, holds approved supervisor status from the  
724 Arkansas Board, and whose license is current. (i.e. not suspended due to delinquent renewal or disciplinary  
725 actions). Supervision hours for applicants moving into the state must be approved by the Board. The  
726 Standards for Clinical Approved Supervisor (CAS) by the National Board for Certified Counselors are  
727 adopted by the Board as the standards to ensure the preparation in methods and techniques for practicing  
728 counselors who offer clinical supervision services to Associate Counselors for the protection of the client.

729  
730 (c) Counselors or Marriage and Family Therapists licensed at the associate level must complete three years  
731 of Client Contact Hours (CCH) with supervision. One year is defined as 1000 supervised CCH. One year is



732 referred to as Phase I for the first year, Phase II for the second year and Phase III for the third year. The  
733 supervision must be provided in the following manner:

734  
735 (1) Year I (Phase I) is supervision of 1,000 CCH and the minimum of one hundred hours of  
736 supervision. The ratio of supervision is one hour of supervision for each 10 hours of client  
737 contact.

738  
739 (2) Year II (Phase II) is supervision of 1,000 CCH and the minimum of fifty hours of  
740 supervision. The ratio of supervision is one hour of supervision for each 20 hours of client  
741 contact.

742 (3) Year III (Phase III) is supervision of 1,000 CCH and the minimum of 25 hours of  
743 supervision. The ratio of supervision is the minimum of one hour of supervision for each 40  
744 hours of client contact. Two options are available for year III, see Section (e).  
745

746 (c) All required supervision will begin with Phase I. All supervision in Phase I must be completed  
747 before beginning Phase II, and all in Phase II must be completed before beginning Phase III. All  
748 post-master's course work to be substituted for supervision will be applied to Phase III, then Phase  
749 II. No course work may be substituted for supervised practice in Phase I. All documented  
750 supervised work from other states, approved by the Board, will be applied to Phase III and then  
751 Phase II.  
752

753 (d) Supervised experience in Phases I and II will be credited at the ratio specified by the Board for  
754 face to face (direct services) and indirect services as defined in Section I (1.9) and Section IX  
755 (3)(4)(5)(6).  
756

757 Group Supervision may not exceed fifty percent of the total 3000 client contact hours for LACs.  
758 LAMFTs must have a minimum of fifty percent of the 3000 client contact hours in family/group  
759 sessions.  
760

761 Client Contact Hours (CCH) mean[s] clock hours of the group sessions. Group sessions reported are  
762 the clock hours of the sessions, not the clock time multiplied by the number of persons in the group.  
763

764 Indirect Service hours applied to supervised experience may not exceed 200 CCH in Phase I, 300  
765 CCH in Phase II, and 300 CCH in Phase III.  
766

767 Hours spent conducting Psycho-educational groups (whether inpatient/outpatient or at other  
768 locations) may not be credited as therapy/counseling for the required supervised work.  
769

770 (e) LAC options for Phase III  
771

772 A LAC may acquire the required 1000 CCH hours in direct and indirect services with the  
773 minimum of 25 hours of supervision in the required ratio of one hour of supervision for each 40  
774 hours of CCH. The indirect service hours may not exceed 300 CCH of the total 1000 CCH.  
775

776 OR

777 The LAC may choose to take the NCMHCE option:  
778

779 The National Clinical Mental Health Counseling Examination (NCMHCE) **option** is available for  
780 the Licensed Associate Counselor (LAC) who petitions for the Licensed Professional Counselor  
781 (LPC) license upon completion of the required supervised Client Contact Hours (CCH) as a  
782 Licensed Associate Counselor (LAC).  
783

784 (1) The LAC may petition the Board to take the NCMHCE with recommendation of the  
785 contracted supervisor upon the completion of Phase II. When approved, the applicant may  
786 apply to NBCC and take the NCMHCE. The passing score will be the national cut off score.  
787 A pass score on the NCMHCE will be equated to 500 Client Contact Hours (CCH) and  
788 applied to Phase III.  
789

790 When the passing score on the NCMHCE, all supervised CCH's are completed and  
791 documented, revised Statement of Intent and LPC license fee are received, the LPC License  
792 may be issued and supervision may cease.  
793

794 If the LAC/LAMFT has completed the NCMHCE option, has met the supervision and course  
795 requirements for the Arkansas Clinical Mental Health Counselor License, that specialization  
796 license may be issued.  
797

798 Test dates for the NCMHCE will be the same as the dates established for the NCE and all  
799 examinations will be administered by NBCC. The candidate will send test application and  
800 test fee directly to NBCC.  
801

802 (f) Group supervision may not exceed half of the total Board specified supervision requirements. A  
803 supervision group is defined as consisting of two (2) to five (5) supervisees with the contracted  
804 supervisor.  
805

806 (g) The contracted supervisor may not delegate supervision responsibility to any other individual.  
807 The contracted supervisor should have an emergency plan on file if he/she were to be unavailable.  
808

809 (h) Post-master's course work may be applied toward supervised experience in accordance with the  
810 rules and regulations governing both Licensed Professional Counselors and Licensed Marriage and  
811 Family Therapists. The Board may accept thirty (30) hours of graduate coursework acceptable to the  
812 Board for Phase III and then for Phase II. The maximum of 60 hours of graduate work may be  
813 substituted for face-to-face supervision. In no case may the Board waive the Phase I (1000 CCH at  
814 the 1:10 ratio) supervision requirements.  
815

## 816 Section 4.2 SUPERVISEE REQUIREMENTS AND RESTRICTIONS 817

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

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(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 will 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 12:01 midnight 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 ten (10) active supervision contracts at any given time. Board approval and directive must be completed prior to expansion of the ten contracts on file with the Board office. Inactive LAC/LMFT will not be counted in the ten, if inactive status is documented

868 and Board approved. Board approval and directive must be completed prior to extension above the  
869 ten contracts recorded in the Board office.

870  
871 (c) The Board office staff may not approve supervision contract/agreements to exceed ten active  
872 supervisees (10) for any one supervisor.

873  
874 (d) Supervisors must have a Board approved copy of a supervision plan/agreement dated prior to  
875 providing supervision to a LAC or LAMFT.

876  
877 (e) Supervisors must carefully avoid multiple relationships with supervisees that interfere with the  
878 supervisory relationship; such as, having the ability to hire or dismiss the supervisee from  
879 employment.

880  
881 (f) The supervisor and the supervisee are both the responsible parties for maintaining a current Board  
882 approved supervision agreement/plan. Any practice or service rendered by the supervisee or any  
883 supervision by the supervisor becomes illegal at 12:01 midnight the expiration date of the  
884 agreement.

885  
886 Section 4.4 SUPERVISION OF CLIENT CONTACT HOUR REPORT AND  
887 SUPERVISION EVALUATION  
888

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

891  
892 (b) The LAC or LAMFT is the party responsible for submission of supervision reports and  
893 evaluations every six (6) months.

894  
895 (c) The maximum of a thirty (30) day grace period is allowed for the Board to receive the reports  
896 and evaluations.

897  
898 (d) Reports submitted thirty-one to sixty days (31-60) days in arrears will be reviewed by the Board  
899 on a case by case basis to determine whether or not the hours will be accepted. The licensee and the  
900 supervisor must send written explanation for the late report. The Board will evaluate the stated  
901 reasons for the late reports. The Board may request the Supervisor and Supervisee to meet with the  
902 Board for additional information prior to making a decision concerning the situation.

903  
904 (e) Reports submitted sixty-one (61) days in arrears will not be accepted by the Board for the  
905 contract period in question. A continual pattern of violation and failure to comply with the law may  
906 result in an Administrative Hearing for disciplinary action, suspension or revocation of license.

907  
908 (f) The supervisor and the supervisee are both the responsible parties for maintaining a current;  
909 Board approved supervision agreement/plan. Any practice or service rendered by the supervisee or  
910 any supervision by the supervisor becomes illegal at 12:01 midnight the expiration date of the  
911 agreement.

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913 **V. APPLICATION REQUIREMENTS**

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Section 5.1 STATEMENT OF INTENT

The Statement of Intent (Scope of Practice) to practice must be machine produced, either by word processing or typing, 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 or COAMFTE 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 three (3) 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. Two of the three must be from mental health professionals. One may be from personal choice.

958 (b) The Board will not accept evaluations recommendations, and documentation of supervised  
959 experience from persons related either by blood (both lineal and collateral consanguinity) or  
960 marriage (affinity). Current members of the Board may not submit references for the applicants.  
961

962 (c) If a Board member supervised an applicant in graduate courses, the supervision may be  
963 documented and verified by that Board member. A Board member will not lead the Oral  
964 Examination nor evaluate the application file of a former student.  
965

966 (d) All forms and instructions included in the application process will be considered  
967 part of the rules and regulations of the Board. The forms may not be altered or changed by  
968 applicants.  
969

970 Section 5.5 BOARD DECISIONS

971  
972 An affirmative vote of a majority of those Board members present and voting will be held as evidence that  
973 the applicant:

974 (a) Has passed the oral examination.

975 (b) Has to pass a situational examination required because of unresolved questions.

976 (c) Application is processed for the Associate or the Professional License as determined by the  
977 documented, approved post-master's work experience.  
978

979 (d) Has been denied the license. The applicant will be so notified by certified or signature  
980 confirmation mail. Specific reasons for the denial will be stated.  
981

982 (e) Has been granted the license based on satisfactory completion of the application process.  
983  
984

985  
986 Section 5.6 APPLICANT STATUS WITH OTHER PROFESSIONAL ORGANIZATIONS  
987 AND BOARDS  
988

989  
990 Applications from individuals who are under investigation, sanction, probation, disciplinary supervision,  
991 revocation, or rehabilitation by counseling, psychology, social work, or other related Boards or credentialing  
992 bodies will not be considered for an Arkansas license until documentation from the issuing body is received  
993 that the sanctions are removed or completed. Applications from individuals who have violations of  
994 Arkansas Code Annotated § 17-27-313 and are pardoned by the Governor are not exempt from the  
995 requirements of Arkansas Code Annotated §17-27-313.  
996

997 Section 5.7 DURATION OF APPLICATION

998  
999 (a) Applications are active for twelve (12) calendar months from the date the application is received  
1000 in the Board office.  
1001

1002 (b) If the application process is not completed and the license issued in the twelve months, an  
1003 applicant may request Board approval for an extension of the twelve month application window. If

1004 an extension is not requested, or is denied, the application becomes void and the individual must  
1005 apply as any new applicant at any future date.

1006  
1007 (c) If new requirements have been placed for applicants in the twelve-month window the Board may  
1008 require that the new requirements be met within the extension period as part of the application  
1009 extension approval.

1010  
1011 (d) A second extension period is discouraged and will only be considered by the Board when very  
1012 unusual, extenuating circumstances are documented.

1013  
1014 **VI. EXAMINATIONS**

1015  
1016 Section 6.1 GENERAL ADMINISTRATION

1017  
1018 (a) An applicant, whose credentials meet the requirements of Ark. Code Ann. § 17-27-301 through  
1019 305, will be scheduled for written and oral examinations by the Board staff. Situational examinations  
1020 may be required by the Board if deemed necessary.

1021  
1022 (b) The Board administrative staff will compile lists of applicants who have met all requirements for  
1023 admission to the NCE, AMFTRB, and/or NCMHCE examination(s). The list will be supplied to the  
1024 national test administrators on the deadline date for the designated examination.

1025  
1026 (c) Each year the Board will contract for the administration of:

1027  
1028 (1) The National Counseling Examinations (NCE) with the National Board for Certifying  
1029 Counselors (NBCC).

1030  
1031 (2) The National Clinical Mental Health Counseling Examinations (NCMHCE) with NBCC.

1032  
1033 (3) The Examinations in Marital and Family Therapy with the Association of Marital and  
1034 Family Therapy Regulatory Boards (AMFTRB).

1035  
1036 (d) National cut-off scores established by the national examination agencies for each examination  
1037 date are the minimum scores accepted by the Arkansas Board for an applicant to meet respective  
1038 written examination requirements for licensure.

1039  
1040 (e) If the Board votes to deny the license, the applicant will be so notified by certified or signature  
1041 confirmation mail. Specific reasons for denial will be stated.

1042  
1043 (f) License will be granted to applicants who satisfactorily complete the application process and are  
1044 approved by a majority vote of the Board.

1045  
1046 (g) an applicant who fails required written examination the first time attempted may take it the  
1047 second time at any date of his/her choice.

1048

1049 (h) If the applicant fails to pass written, oral, or situational examination(s) in two trials, the  
1050 applicant's application file will be removed from active status. The applicant must wait two years  
1051 from the date of the second examination and apply as a new applicant meeting any requirements in  
1052 place the date the new application is received in the Board office.

1053  
1054 (i) Prior to an application being processed when an examination has been failed two times, the Board  
1055 requires:

1056  
1057 (1) A new application for licensure and examination may not be submitted prior to two years  
1058 following the date of the second failed examination; and

1059  
1060 (2) Documentation of completed additional graduate study in Counseling or Marriage and  
1061 Family Therapy or other remedial work that the Board may specify.

1062  
1063 Section 6.2 WRITTEN EXAMINATIONS

1064  
1065 (a) All applicants for licensure must complete one of the following written examinations.

1066  
1067 (1) Counselor applicants must satisfactorily complete the National Counseling Examination  
1068 (NCE) unless licensed in another state and required to take the NCMHCE ( Section 9.(i)).

1069  
1070 (2) Marriage and Family Therapist applicants must satisfactorily complete the American  
1071 Marriage and Family Therapy Regulatory Board (AMFTRB) examination and meet the  
1072 national pass score.

1073  
1074 (b) The Board will adopt a prepared standardized test covering the specialized knowledge common  
1075 to each license. The Board may contract with test design specialists to prepare and provide materials  
1076 for such testing and to revise the examination as deemed necessary. Subtests in specialty skill areas  
1077 may be a part of updating. The national pass score determined for each examination by the testing  
1078 company is the acceptable score determined by the Board to be the pass level to qualify the applicant  
1079 for the oral and situational examinations.

1080  
1081 (c) Submission of application documentation and fees for national written examinations occurs in  
1082 two (2) steps:

1083  
1084 (1) Test application and associated fees must be made directly to the national examining  
1085 organizations for admission to sit for the written examinations. The test applications and fees  
1086 for written examinations must comply with the test company's deadlines.

1087  
1088 (2) The licensure application, including transcripts, statements of intent, letters of  
1089 recommendation and payment of the licensure application fee, must be received by the Board  
1090 office 4 weeks prior to the test application deadline set by the national examining  
1091 organization for the applicant's name to be added to the approved list for test admission.

1092  
1093 (d) Persons who are enrolled in the final semester of graduate study in counseling or marriage and  
1094 family therapy and have completed the core curriculum courses may be admitted to the written



1095 examination by submitting to the Board, with their application, a letter stating their projected  
1096 graduation date from one of the following college or university officials:

1097  
1098 (1) Faculty Internship Coordinator

1099  
1100 (2) Master's Committee Chair

1101  
1102 (3) Graduate Coordinator

1103  
1104 (4) Department Chair

1105  
1106 (5) Registrar

1107  
1108 (6) Associate Dean

1109  
1110 (7) Dean

1111  
1112 Section 6.3 ORAL EXAMINATIONS

1113  
1114 (a) All individuals applying for licensure who have not previously had an oral examination with the  
1115 Arkansas Board must complete an oral examination prior to being granted a license. If the  
1116 applicant is seeking dual licensure, he or she must complete the Board required examinations,  
1117 oral, written or situational.

1118  
1119 Individuals applying for a supervision specialization license must have an oral examination with the  
1120 full Board.

1121  
1122 (b) Oral Examination - An oral examination will be scheduled for applicants upon receipt by the  
1123 Board office staff of a passing score on the written examination, their final official transcripts,  
1124 reflecting degree completion, and all other application requirements completed.

1125  
1126 (c) The oral examination will include a review of the applicant's Statement of Intent, questions from  
1127 the Board relative to the profession of counseling/therapy, and questions about credentials submitted  
1128 with the application.

1129  
1130 (d) If there are unresolved questions, the Board may require an oral examination of any applicant.

1131  
1132  
1133 Section 6.4 SITUATIONAL EXAMINATIONS

1134  
1135 (a) Situational exam - A situational demonstration of counseling or marriage and family therapy  
1136 skills may be requested by the Board in the form of a video tape. A consent and release statement  
1137 signed by each participant must accompany such recordings. The Board may utilize Licensed  
1138 Marriage and Family Therapists or Licensed Professional Counselors, who have specialized  
1139 knowledge common to the license being sought, to review and advise regarding the videotape. At  
1140 least one reviewer will have specialized knowledge appropriate to the tape under review.

- 1141  
1142 (b) The Board does not routinely require a situational examination be passed prior to the oral  
1143 examination. The Board may request a situational examination be administered and passed if the  
1144 applicant does not successfully complete the oral examination or if the Board has unresolved  
1145 questions about the competency and/or skills of the applicant.  
1146  
1147 (c) The situational examination will consist of a videotaped recording of the applicant engaged in a  
1148 counseling interaction with an internship client or volunteer.  
1149  
1150 (d) Volunteer clients to make the situational tapes may not be persons related either by blood (both  
1151 lineal and collateral consanguinity) or marriage (affinity) or from other inappropriate multiple  
1152 relationships with the applicant.  
1153  
1154 (e) When the Board requires a situational examination, a signed and witnessed consent form signed  
1155 by the client, even if a volunteer, must accompany the submitted videotape.  
1156  
1157 (f) Evaluation of the situational examination is based on demonstration of basic counseling skills on  
1158 the part of the applicant appropriate to the content, effect, and behavior of the client/volunteer. The  
1159 video tape/tapes, Board member reviews and evaluation forms signed by the Board members will be  
1160 retained in the applicant's file.  
1161  
1162

1163 Section 6.5 UNRESOLVED QUESTIONS  
1164

- 1165 (a) Should the Board have unresolved questions of competence it may require any one or all of the  
1166 following:  
1167  
1168 (1) Additional academic work;  
1169  
1170 (2) Additional supervised experience;  
1171  
1172 (3) Additional training;  
1173  
1174 (4) Additional references or recommendations;  
1175  
1176 (5) Clarification of Statement of Intent;  
1177  
1178 (6) Situational Examination, Oral Examination or both;  
1179  
1180 (7) Training documentation  
1181  
1182 (8) Other evidence deemed necessary to satisfy the Board as to the qualifications and/or  
1183 fitness and competence of the applicant to practice as a counselor/therapist.  
1184

1185 Section 6.6 FEES  
1186

1187 (a) Written examination fees are determined by the national testing company.

1188  
1189 (b) An examination fee may be set by the Board for the processing and conducting situational  
1190 examinations.

1191  
1192 (c) An annual file maintenance fee, determined by the Board, will be charged when application  
1193 materials are retained in an active status longer than twelve (12) months from application date.  
1194

1195 (d) The schedule of fees will be reviewed annually and will be set at the lowest possible level to  
1196 meet the operational expenses of the Board as appropriated by the legislature. The fees established  
1197 by the Board are published on the web (www.state.ar.us/abec) and are in each application packet and  
1198 each license renewal packet.  
1199

1200 **VII. LICENSE RENEWAL**

1201  
1202 Section 7.1 EXPIRATION

1203  
1204 All licenses expire biennially on June 30 of the renewal year. Licensing dates and payment of fees  
1205 will be set to conform to the State’s fiscal year, July 1 through June 30.  
1206

1207 Section 7.2 RENEWAL FEES

1208  
1209 (a) The biennial license renewal fee is due and payable by June 30 of the renewal year. Checks  
1210 should be made payable to the Arkansas Board of Examiners in Counseling. The Board will  
1211 establish and determine appropriate fees and adjust according to operational expenses.  
1212

1213 (b) A late fee will be assessed if the envelope containing the renewal fee is postmarked after 12:01  
1214 midnight, June 30 of the renewal year.  
1215

1216 (c) Failure to pay the biennial fee within the time stated shall automatically suspend the right of any  
1217 licensee to practice while delinquent. {Arkansas Code Annotated §17-27-307 (2) (A)}. Such lapsed  
1218 license may be renewed within a period of twelve (12) months, from the expiration date, by payment  
1219 of all fees and Board requirements that are in arrears.  
1220

1221 (d) Failure to renew a license within twelve (12) months from the date of expiration will necessitate  
1222 applying for the license as a new applicant meeting all requirements in place the date the new  
1223 application is received in the Board office. The Board may require an appearance before the Board  
1224 to explain the failure to meet renewal deadlines prior to the application being processed.  
1225

1226 Section 7.3 CONTINUING EDUCATION

1227  
1228 (a) No license will be renewed without evidence of satisfactory completion of a minimum of twenty-  
1229 four (24) clock hours of continued professional education and/or training in the twenty-four (24)  
1230 months prior to renewal and evidence of same on file in the Board office. Twenty-two (22) of the  
1231 twenty-four (24) clock hours must support the licensee’s statement of intent. The minimum of two  
1232 (2) clock hours must be in ethics relevant to the license being renewed.

1233  
1234 (b) The continuing education policies for documentation and reporting for renewal purposes are  
1235 adopted, as applicable, from those published by the National Board for Counselor Certification  
1236 (NBCC).

1237  
1238 (c) LAC's, LPC's, LAMFT's, and LMFT's are responsible for maintaining all appropriate  
1239 documentation of their continuing education hours completed during the previous twenty-four (24)  
1240 months should they be required for audit review.

1241  
1242 (d) 90% of license renewals are not required to submit documentation for continuing education. 10%  
1243 of all renewal notices will be audited and must submit documentation.

1244  
1245 (e) If the licensee has not accumulated the required continuing education hours, the licensee may  
1246 take the NCE, NCMHCE, or the AAMFT examination and meet the national pass score as a  
1247 substitute for continuing education clock hours.

1248  
1249 (f) Individuals holding both the Counseling and the Marriage and Family Therapy Licenses are  
1250 required to obtain twenty-four (24) clock hours of CEU credit for each license with the minimum of  
1251 two (2) of the required hours being in ethics for each license. CEU credit must be applicable to each  
1252 license per licensing period. The same hours may not be submitted for both licenses even if renewal  
1253 year is the same; for example; if renewing both at the same time, the total of forty-eight (48) hours  
1254 and four (4) clock hours of ethics will be required.

1255  
1256 (g) American Association of Christian Counselors (AACC) continuing education documentation  
1257 CEU'S related to Counseling or Marriage and Family Therapy is acceptable.

1258  
1259 (h) The Arkansas Board of Examiners in Counseling does not screen programs offered by providers  
1260 of continuing education. Providers are required to secure Approved Provider Status through NBCC,  
1261 AAMFT, AACC, APA, etc., prior to advertising the programs as approved for license renewal  
1262 purposes. With official documentation, the continuing education program hours related to  
1263 counseling or therapy that are offered by Arkansas universities and Arkansas state departments will  
1264 be accepted.

1265  
1266 (i) The maximum number of continuing education credit to be approved for reading/reviewing  
1267 journal articles or newsletter articles read shall not exceed six (6) clock hours) in a two year renewal  
1268 cycle.

1269  
1270 Section 7.4 STATEMENT OF INTENT

1271  
1272 (a) A new Statement of Intent (Scope of Practice) must be received with the renewal fee and  
1273 continuing education documentation for any license to be renewed. The Statement of Intent must be  
1274 typed or word-processed in the format required by the Board.

1275  
1276 (b) The approved Statement of Intent (Scope of Practice) will be in force for the valid license date.

1277  
1278 (c) Each page of the Statement of Intent (Scope of Practice) must be signed and dated.

1279  
1280 (d) The Statement of Intent (Scope of Practice) may be revised at any time the scope of practice  
1281 changes. The revised Statement of Intent (Scope of Practice) must be submitted to the Board for  
1282 approval.

1283  
1284 Section 7.5 RENEWAL NOTICE

1285  
1286 (a) Notices of renewal will be mailed by the Secretary of the Board, on or about, April 1 of the  
1287 renewal year. Accompanying these notices will be forms for the licensee to use for the  
1288 documentation of continued education, statement of intent, and other related professional activities.  
1289 Completion of such documentation by the licensee is mandatory prior to license renewal.

1290  
1291 (b) Notices of renewal will be mailed, on or about, March 1, of the renewal year for the 10% of the  
1292 renewal randomly selected for continuing education audit.

1293  
1294 Section 7.6

1295  
1296 Renewals from individuals who are under investigation, sanction, probation, disciplinary  
1297 supervision, revocation, or rehabilitation by counseling, marriage and family therapy, psychology,  
1298 social work, or other related Boards or credentialing bodies will not be considered for an Arkansas  
1299 license renewal until documentation from the issuing body is received that the sanctions are removed  
1300 or completed.

1301  
1302 Applications from individuals who have violations of Arkansas Code Annotated § 17-27-313 and are  
1303 pardoned by the Governor are not exempt from the requirements of Arkansas Code Annotated §17-  
1304 27-313.

1305  
1306 **VIII. DISCIPLINE**

1307  
1308 Section 8.1 COMPLAINTS

1309  
1310 (a) When information/complaint that may affect the licensure of an applicant is presented to the  
1311 Board, the informant is required to present the information to the Board in signed, written form  
1312 unless this creates eminent danger to the informant.

1313  
1314 (b) The complaint is investigated following the Arkansas Administrative Procedure Act, found at  
1315 Arkansas Code Annotated § 25-15-201 et seq.

1316  
1317 (c) Following the investigation the Board may by majority vote:

1318  
1319 (1) Close the complaint with no further action.

1320  
1321 (2) Process a Consent Order and Resolution Agreement with the licensee that specifies  
1322 conditions to be met and maintained. If the licensee fails to keep all conditions of the  
1323 agreement, an Administrative Hearing will be held for the purpose of disciplinary action.

1325 (3) Hold an Administrative Hearing for the purpose of disciplinary action.  
1326

1327 Section 8.2 HEARINGS  
1328

1329 (a) Any applicant or licensee who has been aggrieved by an action of the Board shall be  
1330 entitled to judicial review under Ark. Code Ann § 25-15-201 et seq.  
1331

1332 (b) Informal hearing procedures may be held when needed for resolution of problems instead  
1333 of/or in addition to the formal Administrative Hearing.  
1334

1335 (c) Adjudicative Hearings to revoke a license or permit or to impose a civil penalty are  
1336 adjudicative hearings. An agency acts in a quasi-judicial capacity when it conducts an  
1337 adjudicative hearing.  
1338

1339 The Arkansas Administrative Procedure Act (APA) provides the basic framework for the conducting of  
1340 adjudicative hearings. Using the APA as a framework, these rules provide detailed procedures for hearings.  
1341

1342 These rules apply in all administrative adjudications conducted by the Counseling Board. These procedures  
1343 are developed to provide a process by which the agency formulates orders (for example, an order to suspend  
1344 or revoke a license to practice or to impose civil penalties).  
1345

1346 1. PRESIDING OFFICER  
1347

1348 The Board Chairman shall preside at the hearing or may designate one or more members of the Counseling  
1349 Board or one or more examiners, referees, or hearing officers to preside at a hearing.  
1350

1351 2. APPEARANCES  
1352

1353 (i) Any party appearing in any agency proceeding has the right, at his or her own  
1354 expense, to be represented by counsel.

1355 (ii) The respondent may appear on his or her behalf.

1356 (iii) Any attorney representing a party to an adjudicatory proceeding must file notice of  
1357 appearance as soon as possible.

1358 (iv) Service on counsel of record is the equivalent of service on the party represented.

1359 (v) On written motion served on the party represented and all other parties of record, the  
1360 presiding officer may grant counsel of record leave to withdraw for good cause  
1361 shown.  
1362

1363 3. CONSOLIDATION  
1364

1365 If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be  
1366 consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of  
1367 the proceedings, and would not unduly prejudice the rights of a party.  
1368  
1369  
1370

1371 4. NOTICE TO INTERESTED PARTIES  
1372

1373 If it appears that the determination of the rights of parties in a proceeding will necessarily involve a  
1374 determination of the substantial interests of persons who are not parties, the presiding officer may enter an  
1375 order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined  
1376 as a party of record.  
1377

1378 5. SERVICE OF PAPERS  
1379

1380 Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding,  
1381 except applications for witness subpoenas and the subpoenas, shall be served on each party or the party's  
1382 representative at the last address of record.  
1383

1384 6. INITIATION & NOTICE OF HEARING  
1385

- 1386 (i) An administrative adjudication is initiated by the issuance by the Board of a notice of  
1387 hearing.  
1388 (ii) The notice of hearing will be sent to the respondent by U.S. Mail, return receipt  
1389 requested, delivery restricted to the named recipient or his agent. Notice shall be  
1390 sufficient when it is so mailed to the respondent's latest address on file with the  
1391 agency.  
1392 (iii) Notice will be mailed at least twenty one (21) days before the scheduled hearing  
1393 unless an emergency is declared.  
1394 (iv) The notice will include:

1395  
1396 A statement of the time, place, and nature of the hearing;  
1397

1398 A statement of the legal authority and jurisdiction under which the hearing is to be  
1399 held; and  
1400

1401 A short and plain statement of the matters of fact and law asserted.  
1402

1403 7. MOTIONS  
1404

1405 All requests for relief will be made by motion. Motions must be in writing or made on the record during a  
1406 hearing. A motion must fully state the action requested and the grounds relied upon. The original written  
1407 motion will be filed with the agency. When time allows, the other parties may, within seven (7) days of the  
1408 service of the written motion, file a response in opposition. The presiding officer may conduct such  
1409 proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However,  
1410 a presiding officer, other than the Counseling Board, will not enter a dispositive order unless expressly  
1411 authorized in writing to do so.  
1412

1413 8. ANSWER  
1414

1415 A respondent may file an answer no later than ten (10) days before the scheduled hearing.  
1416

1417 9. DISCOVERY

- 1418  
1419 (i) Upon written request, the agency will provide the information designated in A.C.A. § 25-15-  
1420 208 (a) (3).  
1421 (ii) Such requests should be received by the agency at least ten (10) days before the scheduled  
1422 hearing.

1423  
1424 10. CONTINUANCES

1425  
1426 The Board Chairman may grant a continuance of hearing for good cause shown. Requests for continuances  
1427 will be made in writing. The request must state the grounds to be considered and be made as soon as  
1428 practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the  
1429 hearing. In determining whether to grant a continuance, the Board Chairman may consider:

- 1430  
1431 (i) Prior continuances;  
1432 (ii) The interests of all parties;  
1433 (iii) The likelihood of informal settlements;  
1434 (iv) The existence of an emergency;  
1435 (v) Any objection;  
1436 (vi) Any applicable time requirement;  
1437 (vii) The existence of a conflict of the schedules of counsel, parties, or witnesses;  
1438 (viii) The time limits of the request, and;  
1439 (ix) Other relevant factors.

1440  
1441 The Board Chairman may require documentation of any grounds for continuance.

1442  
1443 11. HEARING PROCEDURES

- 1444  
1445 (i) The presiding officer presides at the hearing and may rule on motions, require briefs,  
1446 and issue such orders as will ensure the orderly conduct of the proceedings; provided,  
1447 however, any presiding officer other than the Counseling Board shall not enter a  
1448 dispositive order or proposed decision unless expressly authorized in writing to do so.  
1449 (ii) All objections must be made in a timely manner and stated on the record.  
1450 (iii) Parties have the right to participate or to be represented by counsel in all hearings or  
1451 pre-hearing conferences related to their case.  
1452 (iv) Subject to terms and conditions prescribed by the Administrative Procedure Act,  
1453 parties have the right to introduce evidence on issues of material fact, cross-examine  
1454 witnesses as necessary for a full and true disclosure of the facts, present evidence in  
1455 rebuttal, and, upon request by the agency, may submit briefs and engage in oral  
1456 argument.  
1457 (v) The presiding officer is charged, with maintaining the decorum of the hearing and  
1458 may refuse to admit, or may expel, anyone whose conduct is disorderly.  
1459  
1460  
1461  
1462



12. ORDER OF PROCEEDINGS

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

- (vi) The presiding officer will give an opening statement, briefly describing the nature of the proceedings.
- (vii) The parties are to be given the opportunity to present opening statements.
- (viii) The parties will be allowed to present their cases in the sequence determined by the presiding officer.
- (ix) 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.
- (x) 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

1509 commonly relied upon by reasonably prudent men and women in the conduct of their  
1510 affairs,  
1511 (viii) Reasonable inferences. The finder of fact may base its findings of fact upon  
1512 reasonable inferences derived from other evidence received.

1513  
1514 14. DEFAULT

1515  
1516 If a party fails to appear or participate in an administrative adjudication after proper service of notice, the  
1517 agency may proceed with the hearing and render a decision in the absence of the party.

1518  
1519 15. SUBPOENAS

- 1520  
1521 (i) At the request of any party, the agency shall issue subpoenas for the attendance of  
1522 witnesses at the hearing. The requesting party shall specify whether the witness is  
1523 also requested to bring documents and reasonably identify said documents.  
1524 (ii) A subpoena may be served by any person specified by law to serve process or by any  
1525 person who is not a party and who is eighteen (18) years of age or older. Delivering a  
1526 copy to the person named in the subpoena shall make service. Proof of service may be  
1527 made by affidavit of the person making service. The party seeking the subpoena shall  
1528 have the burden of obtaining service of the process and shall be charged with the  
1529 responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule  
1530 45, Arkansas Rules of Civil Procedure. The witness must be served at least two days  
1531 prior to the hearing. For good cause, the agency may authorize the subpoena to be  
1532 served less than two days before the hearing.  
1533 (iii) Any motion to quash or limit the subpoena shall be filed with the agency and shall  
1534 state the grounds relied upon.

1535  
1536 16. RECORDING THE PROCEEDINGS

1537  
1538 The responsibility to record the testimony heard at a hearing is borne by the agency. Upon the filing of a  
1539 petition for judicial review, the agency will provide a verbatim transcript of testimony taken before the  
1540 agency. If requested under FOI, copies of the transcript will be provided at a cost per page.

1541  
1542 17. FACTORS TO BE CONSIDERED IN IMPOSING SANCTIONS

- 1543  
1544 In addition to any other considerations permitted by Arkansas Code Annotated § 17-27-101 et seq. if  
1545 applicable, the agency in imposing any sanction may consider the following:  
1546 (i) The nature and degree of the misconduct for which the licensee is being sanctioned.  
1547 (ii) The seriousness and circumstances surrounding this misconduct.  
1548 (iii) The loss or damage to clients or others.  
1549 (iv) The assurance that those who seek similar professional services in the future will be  
1550 protected from the type of misconduct found.  
1551 (v) The profit to the licensee.  
1552 (vi) The avoidance of repetition.  
1553 (vii) Whether the conduct was deliberate, intentional, or negligent.  
1554 (viii) The deterrent effect on others.

- 1555 (ix) The conduct of the individual during the course of the disciplinary proceeding.
- 1556 (x) The professional's prior disciplinary record, including warnings.
- 1557 (xi) Matters offered by the professional in mitigation or extenuation, except that a claim
- 1558 of disability or impairment resulting from the use of alcohol or drugs may not be
- 1559 considered unless the professional demonstrates that he or she is successfully
- 1560 pursuing in good faith a program of recovery.

1561  
1562 18. FINAL ORDER

1563  
1564 The agency will serve on the respondent a written order that reflects the action taken by the agency. The  
1565 order will include a recitation of facts found based on testimony and other evidence presented and  
1566 reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state  
1567 conclusion of law and directives or other disposition entered against or in favor of the respondent.

1568  
1569 SECTION 8.3 SUSPENSION, REVOCATION, DENIAL OF LICENSE ISSUE, DENIAL OF RENEWAL,  
1570 DENIAL OF APPLICATION FOR PROCESSING

- 1571  
1572 (a) In accordance with the Arkansas Code Annotated §17-26-309 and § 25-15-201 et seq. (Arkansas  
1573 Administration Procedure Act), the Board will suspend, revoke, or deny renewal of any license if the  
1574 Board finds that holder thereof:
- 1575  
1576 (1) Has been found guilty of violating any ethical or professional standard under which the  
1577 license holder practices.
  - 1578  
1579 (2) Has not paid biennial renewal fee within the time stated.
  - 1580  
1581 (3) Has not satisfied the Board, by June 30 of the renewal year, with evidence of the completion  
1582 of relevant professional or continued education experience.
  - 1583  
1584 (4) Has been found to be incompetent, has misused the license, or has been negligent in the  
1585 rendering of counseling services.
  - 1586  
1587 (5) Has been convicted of a felony.
  - 1588  
1589 (6) Has failed to follow any special directions of the Board.
  - 1590  
1591 (7) Has had one's professional license/certificate revoked suspended, or under investigation by  
1592 any other Arkansas Board or certifying/licensing agency or by any state Board of  
1593 certifying/licensing agency.
  - 1594  
1595 (8) Has failed to meet requirements of the Criminal Background Check. (Act 1317 of 1997).
  - 1596  
1597 (9) Renewals from individuals who are under investigation, sanction, probation, disciplinary  
1598 supervision, revocation, or rehabilitation by counseling, psychology, social work, or other  
1599 related Boards or credentialing bodies will not be considered for an Arkansas license renewal

1600 until documentation from the issuing body is received that the sanctions are removed, or  
1601 completed.

1602  
1603 (10) ALTERNATIVE SANCTIONS

1604  
1605 In addition, the Board may after a hearing, impose upon a person over whom the Board has  
1606 jurisdiction the Alternative Sanctions provided by ACA 25-15-217 which include a civil  
1607 penalty not to exceed \$500.00 per violation.

1608  
1609 (11) Applications from individuals who have violations of Arkansas Code Annotated  
1610 § 17-27- 313 and are pardoned by the Governor are not exempt from the requirements of  
1611 Arkansas Code Annotated § 17-27-313.

1612  
1613 If the Board finds that it has erred in the granting of a license, the Board will give written notice by certified  
1614 or signature confirmation mail of intent to annul the license. The notice will allow the applicant the  
1615 opportunity to meet the requirements of licensure within 30 days.

1616  
1617 (b) A period of suspension shall not exceed six (6) months. During the period of suspension, the licensee  
1618 shall not practice counseling/therapy in the state of Arkansas, may petition for court proceedings to  
1619 prohibit the unlawful practice of counseling/therapy and/or false representation as a licensed  
1620 counselor/therapist.

1621  
1622 (c) The Board, or any member thereof, or any citizen of the state of Arkansas, may petition for court  
1623 proceedings to prohibit the unlawful practice of counseling/therapy and/or false representation as a  
1624 licensed counselor/therapist.

1625  
1626 (d) REQUIREMENT TO KEEP CURRENT ADDRESSES ON FILE

1627  
1628 All persons holding a license issued by this Board are required to provide the Board with  
1629 information so that the Board can remain in contact and provide notice of complaints and/or  
1630 hearings. The licensee holder is required to provide written notice to the Board of any change in  
1631 business and/or residence within ten (10) working days of the change. Service of notices of hearing  
1632 sent by mail will be addressed to the latest address on file with the Board.

1633  
1634 (e) The application and supporting documentation will be reviewed by Board staff. The Board  
1635 administrative office will inform the applicant in writing if it determines that the application is  
1636 incomplete and will specify why the application is incomplete. When a completed application, a  
1637 supplemental application, or the requested information is returned, the Board office will reinitiate  
1638 action on the application for license. If all requirements are met, the applicant will be scheduled for the  
1639 oral examination.

1640  
1641 (f) DENIAL OF LICENSE

1642  
1643 1. If a preliminary determination is made that the application should be denied, the agency will  
1644 inform the applicant of the opportunity for a hearing on the application.

1645

1646 2. The grounds or basis for the proposed denial of a license will be set forth in writing by the agency.  
1647 Any hearing on the denial of a license will be conducted in accordance with ACA § 25-15-208 and  
1648 ACA § 25-15-213, and unless otherwise provided by law, the applicant has the burden of  
1649 establishing entitlement to the license.  
1650

1651 (g) SUSPENSION, REVOCATION, ANNULMENT OR WITHDRAWAL  
1652

1653 1. Prior to the entry of a final order to suspend, revoke, annul or withdraw a license, or to impose  
1654 other sanctions upon a licensee, the agency will serve the licensee a notice of hearing in the manner  
1655 set out in Arkansas Code Annotated § 25-15-208 and Rule VII (G).  
1656

1657 2. The agency has the burden of proving the alleged facts and violations of law stated in the notice  
1658

1659 (h) EMERGENCY ACTION  
1660

1661 1. If the agency finds that the public health, safety, or welfare imperatively requires emergency  
1662 action and incorporates that finding in its order, the agency can summarily suspend, limit, or restrict  
1663 a license. The notice requirement in h (1) does not apply and must not be construed to prevent a  
1664 hearing at the earliest time practicable.  
1665

1666 2. Emergency Order: An emergency adjudicative order must contain findings that the public health,  
1667 safety, and welfare imperatively require emergency action to be taken by the agency. The written  
1668 order must include notification of the Written Notice. The written emergency adjudicative order will  
1669 be immediately delivered to persons who are required to comply with the order. One or more of the  
1670 following procedures will be used:  
1671

- 1672 (i) Personal Delivery;
- 1673 (ii) Certified mail, return receipt requested, to the last address on file with the agency;
- 1674 (iii) First class mail to the last address on file with the agency;
- 1675 (iv) Fax notice may be used as the sole method of delivery if the person required to  
1676 comply with the order has filed a written request that the Board orders be sent by fax  
1677 and has provided a fax number for that purpose;
- 1678 (v) Oral notice. Unless the written emergency order is served by personal delivery on the  
1679 same day that the order issues, the Board shall make reasonable immediate efforts to  
1680 contact by telephone the persons who are required to comply with the order.  
1681

- 1682 1. Unless otherwise provided by law, within ten (10) days after emergency action  
1683 taken pursuant to paragraph 8.2 (4) of this rule, the agency must initiate a formal  
1684 suspension or revocation proceeding.  
1685

1686 (i) VOLUNTARY SUSPENSION OF LICENSE  
1687

1688 The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject  
1689 to the agency's determination to accept the proffered surrender, rather than conducting a formal  
1690 disciplinary proceeding.  
1691

1692 (j) DUTY OF A SANCTIONED PROFESSIONAL  
1693

1694 In every case in which a professional's license is revoked, suspended, or revocation, suspension, or  
1695 surrender, do the following:

- 1696
- 1697 (1) Return his or her license and any license pocket cards to the agency's office;
- 1698 (2) Notify all of his or her clients in writing that his or her license has been revoked, suspended,  
1699 or surrendered;
- 1700 (3) Notify all clients to make arrangements for other professional services, calling attention to  
1701 any urgency in seeking the substitution of another licensed professional;
- 1702 (4) Deliver to all clients any papers or property to which they are entitled, or notify the client of  
1703 a suitable time and place where the papers and other property may be obtained, calling  
1704 attention to any urgency for obtaining the papers or other property;
- 1705 (5) Refund any part of the fees paid in advance that have not been earned;
- 1706 (6) Keep and maintain a record of the steps necessary to accomplish the foregoing;
- 1707 (7) File with the agency a list of all other state, federal, and administrative jurisdictions by which  
1708 he or she is licensed. Upon such filing, the agency will notify those entitled of the revocation,  
1709 suspension, or surrender; and
- 1710 (8) The professional shall, within thirty (30) days of revocation, suspension, or surrender of the  
1711 license, file an affidavit with the agency that he or she has fully complied with the provisions  
1712 of the order and completely performed the foregoing or provide a full explanation of the  
1713 reasons for his or her non-compliance. Such affidavit shall also set forth the address where  
1714 communications may thereafter be directed to the respondent.

1715  
1716 (l) REINSTATEMENT AFTER SUSPENSION  
1717

1718 1. An order suspending a license may provide that a person desiring reinstatement may file with the  
1719 Counseling Board a verified petition requesting reinstatement.

1720  
1721 2. The petition for reinstatement must set out the following:

- 1722
- 1723 (i) That the individual has fully and promptly complied with the requirements of  
1724 section VIII (K) of these rules pertaining to the duty of a sanctioned  
1725 professional;
- 1726 (ii) That the individual has refrained from practicing in this profession during the  
1727 period of suspension;
- 1728 (iii) That the individual's license fee is current or has been tendered to the agency;
- 1729 (iv) That the individual has fully complied with any requirements imposed as  
1730 conditions for reinstatement.
- 1731 (v) Any knowing misstatement of fact may constitute grounds for denial or  
1732 revocation of reinstatement.
- 1733 1. Failure to comply with the provisions of Section 8.3 (K7 & K8) of the Rule  
1734 precludes consideration for reinstatement.
- 1735 2. No individual will be reinstated unless the Board of Examiners in Counseling  
1736 approves reinstatement by majority vote.
- 1737

(m) 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 agency. 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 is rehabilitated following the revocation or surrender of his license, that he can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and that he 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.
3. The agency may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.
4. The agency may require that the person seeking re-licensure take licensing examination.
5. The agency may require that the person seeking re-licensure have supervision for a specified time and ratio.

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. The letter will direct attention to pertinent aspects of the law and the rules and regulations of the law.

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

(c) This violation will be deemed a Class “A” Misdemeanor. The violator, upon conviction, shall not be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and the violator may be imprisoned for a term not exceeding one (1) year. Each violation and conviction shall be deemed a separate offense.

(d) Adjudicative Hearings will be conducted following the Arkansas Administrative Procedure Act (APA) framework. The Adjudicative Hearings format will follow Rules beginning Section 8.2

**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 apply to the process:

1782 (a) An applicant who has been licensed as a counselor or mental health professional in other  
1783 state/states or by other Arkansas agencies must submit a License Verification Form (LVF) from each  
1784 state or agency prior to the oral examination.

1785  
1786 (b) Waiver of the NCE, NCMHCE, or the AMFTRB may be granted when the Board has determined  
1787 that another examination is equivalent or an endorsement agreement has been reached with the other  
1788 boards or agencies responsible for licensing Counselors/Therapists.

1789  
1790 (c) Applicants moving from another state, who hold their licenses from that state under  
1791 grandfathering, and were not previously tested for licensure, will be required to satisfactorily  
1792 complete the National Clinical Mental Health Counseling Self-Assessment Examination  
1793 (NCMHCE) or the National Counseling Examination (NCE).

1794  
1795 (d) If requirements for full license (LPC or LMFT) in another state required 2000 Client Contact  
1796 Hours (CCH), the applicant will need to document an additional 1000 CCH of supervision or the  
1797 application will be processed for LAC or LAMFT. The 2000 CCH from another state will be applied  
1798 first to year three, then year two. The 1000 CCH to be earned in Arkansas must be year one with  
1799 100 clock hours of supervision provided at the ratio of one (1) hour of supervision for each ten (10)  
1800 hours of client contact. If the applicant has been continuously licensed in another state for seven  
1801 years, is in good standing in that state and has passed the NCMHCE within five years prior to the  
1802 Arkansas application, the NCMHCE may substitute for 500 CCH hours of required supervision.

1803  
1804 (e) Acceptability of supervision, gained prior to application, under other Licensing Boards or in  
1805 exempt positions, will be judged according to:

1806  
1807 (1) The ethical and professional standards of the Association for Counselor Education and  
1808 Supervision or the Commission on Accreditation of Marriage and Family Therapy Education, the  
1809 American Association for Pastoral Counselors, Council for Accreditation of Counseling and  
1810 Related Educational Programs, National Board for Certifying Counselors, Commission on  
1811 Rehabilitation Counselor Certification.

1812  
1813 (2) The appropriateness of the supervisory relationship.

1814  
1815 (3) The direct counseling hours performed while under supervision will be credited at the ratio  
1816 specified by the Board and must consist of direct, face-to-face supervision in either individual  
1817 and/or group format. Technology-Assisted Distance Supervision may be reported if the  
1818 Supervisor holds the Specialization License. Technology- Assisted Distance Supervision may  
1819 not exceed fifty percent in any one phase.

1820  
1821 (4) Indirect service hours performed while under supervision may not exceed 200 Client Contact  
1822 Hours (CCH) in Phase I, 300 CCH in Phase II, and 300 CCH in Phase III.

1823  
1824 (5) Graduate school practicum or internship hours acquired in the Master's program are not  
1825 credited to substitute for the required supervised professional work. Post Master's hours in  
1826 practicum/internships not needed for the initial application for the Arkansas license may be  
1827 applied as transcript credit to Phase III or Phase II (3 transcript hours equate 100 CCH).



1828  
1829 (6) Hours spent conducting Psycho Educational groups (whether inpatient/outpatient or at other  
1830 locations) may not be credited as Counseling or Marriage and Family Therapy to reduce the  
1831 required direct or indirect post master's supervised work.  
1832

1833 (f) Acceptable Post-Master's Supervision may include:  
1834

1835 (1) A recognized post-master's internship training program  
1836

1837 (2) Supervised CCH approved by another state's counseling Licensure Board or Marriage and  
1838 Family Therapy Board  
1839

1840 (3) Supervision approved by NBCC, AAMFT, CRCC or AAPC  
1841

1842 (4) Supervised Counseling or Marriage and Family Therapy hours accrued during employment  
1843 in private practice or in an agency or institution that meet Board adopted supervision  
1844 criteria.  
1845

1846 Section 9.2 CONSULTING  
1847

1848 (a) Non-resident persons who are licensed by Counseling or Marriage and Family Therapy  
1849 regulatory boards in other states or countries may provide consulting or research services within  
1850 Arkansas for not more than thirty (30) days (discontinuous or continuous) per calendar year.  
1851

1852 (b) Consultant is defined as a licensed LPC/LMFT who has practiced as a professional for a  
1853 minimum of three (3) years in another state and contracts with an Arkansas agency or institution for  
1854 research, workshops, training, or for providing advice and guidance on professional issues.  
1855

1856 (c) Consultant activities and services must be short-term and contractual and must be sponsored and  
1857 supervised by a licensed Arkansas LPC or LMFT.  
1858

1859 (c) Prospective employees, moving to Arkansas from another state, who are applying for an Arkansas  
1860 license are not to be considered consultants and are not exempt from licensure.  
1861

1862 (e) Licensed Counselors or Marriage and Family Therapist who consult with other licensed  
1863 professionals and/or develop relationships with Colleagues, Employers and Employees must follow  
1864 the ACA Code Section D1.a through D.2.d.  
1865

1866 Section 9.3 OTHER PROFESSIONALS AND AGENCIES  
1867

1868 (a) Neither the National Counselor Examination nor the Association of Marital and Family Therapy  
1869 Regulatory Board Examination will be waived for licensed Psychologists who apply for a license  
1870 from the Counseling Board.  
1871

1872 (b) Licensed Psychological Examiners (LPE) who apply for a counseling or a marriage and family  
1873 therapy license must complete the supervision requirements in Phase I (1000 Client Contact Hours at

1874 the ratio of one (1) hour of supervision for each ten (10) hours of direct client contact). The  
1875 maximum of two (2) years of supervised professional experience may be submitted for approval by  
1876 the Board if the applicant documents supervised experience consistent with his/her Statement of  
1877 Intent by submitting:

- 1878
- 1879 (1) Documentation from the Arkansas Board of Examiners in Psychology (ABEP)
- 1880
- 1881 (2) Statement from the ABEP or LPE supervisor verifying the ratio of supervision to CCH  
1882 and that the scope of the practice supervised was not related to assessment, appraisal, or  
1883 testing as part of their practice
- 1884
- 1885 (c) Any person holding a license from the Arkansas Board of Examiners in Psychology (ABEP) will  
1886 not be approved for any appraisal, assessment, or testing under any license issued by this Board. All  
1887 appraisal activities will be regulated by the ABEP for any persons licensed by both the Board of  
1888 Examiners in Counseling and Board of Examiners in Psychology.
- 1889
- 1890 (d)(1) Clergy who are credentialed as member, fellow, or diplomat by the American Association of  
1891 Pastoral Counselors (AAPC), Association for Clinical Pastoral Education (ACPE) or other  
1892 Board-approved credentialing organizations will be accepted as meeting the Board definition  
1893 of equivalent training for Licensed Associate or Professional Counselor/Therapist.
- 1894
- 1895 (2) Upon completion of the application process, providing a passing score on one of the  
1896 written examinations (National Counseling Examination, Marriage and Family Therapy  
1897 Examination, Pastoral Counselor Examination or equivalent), passing the situational and oral  
1898 exams, clergy applicants with appropriate documented experience will be granted the  
1899 Licensed Counselor/Therapist license with the specialty license as pastoral  
1900 counselor/therapist.
- 1901
- 1902 (e) Applicants for the Licensed Professional Counselor license who hold a master's degree and who  
1903 are credentialed as CRC by the Commission on Rehabilitation Counselor Certification (CRCC)  
1904 standards adopted by CRCC July 1, 2003 will be accepted as meeting the Board definition of  
1905 equivalent/parallel training for licensed Associate or Professional Counselor/Therapist provided  
1906 the core curriculum courses are included in the degree or in post-master's course work. The  
1907 National Certifying Examination for Rehabilitation Counselors (NCERC) has not been  
1908 determined equivalent to the National Counseling Examination (NCE) and will not be substituted  
1909 for the NCE for the LPC license. The NCERC will be accepted for the Rehabilitation Counselor  
1910 Specialization License.
- 1911
- 1912 (f) If a candidate is licensed or certified to practice Counseling and/or Marriage and Family Therapy  
1913 by a similar Board in another state, the Arkansas Board may at its discretion, waive the written  
1914 examination requirements of a candidate if the candidate had an equivalent written examination in  
1915 the process of obtaining the license in another state and has been continuously licensed. If the  
1916 previous license has expired or lapsed the examination may not be waived. If the applicant had  
1917 written the examination, but did not complete the licensure process, the written examination of  
1918 record may not be more than five (5) years old to be accepted for Arkansas license application  
1919 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 11.1 PROFESSIONAL ETHICS

(a) The Arkansas Board of Examiners in Counseling (ARBOEC) adopts the 2005 revision of the American Counseling Association (ACA) Code of Ethics, to comply with Arkansas Code Annotated 17-27-203 (c). Effective 10 days following the Legislative Council approval date of these Rules.

(b) The American Association of Marriage and Family Therapist (AAMFT) Ethical Code, 2001, 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 dated September 10, 2005 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 – CLIENT COMMUNICATIONS**

All counselor - client communications shall be placed on the same basis as those between an attorney and a client. The Lawyer – Client privilege is defined and regulated by Rule 502 of the Arkansas Rules of Evidence.

**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, published in 2005. 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, 2005 edition 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

---

##### 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.

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

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**XIII. RULES - EFFECTIVE DATE**

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. Footnote: The rules Section 8.2, lines 992-1412, 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, pages 12-22.



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- 2. Footnote: The NBCC shaded document, Section XII, was copied directly from the .  
NBCC web site: [www.nbcc.org](http://www.nbcc.org).