



Arkansas Department of Health

Arkansas Board of Examiners in Counseling and Marriage & Family Therapy
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Governor Sarah Huckabee Sanders
Renee Mallory, RN, BSN, Secretary of Health
Lenora Erickson, LPC-s, TA-s, AADC, Executive Director

Proposed Rules for the Arkansas Board of Examiners in Counseling

Purpose

The Arkansas Department of Health is seeking Governor Sander's review of proposed amendments to the Rules of the Arkansas Board of Examiners in Counseling.

Background

Pursuant to Ark. Code Ann. § 17-27-203, the Board of Examiners in Counseling has authority to adopt reasonable rules. Rules are revised as laws and procedures change.

Proposed Revisions to Current Rules

- The proposed rule implements Act 137 of 2023 to add consideration of national certifications toward initial occupational licensing for uniformed service members and veterans; and extends the application to spouses.
 - o The following change is proposed:
 - IX Licensing under Special Conditions: Add subsection 9.4(f) to comply with Act 137 of 2023 regarding acceptance of relevant and applicable uniformed service education, training, national certification or service-issued credential toward licensure qualifications and/or requirements.
- The proposed rule implements Act 457 of 2023 to grant automatic occupational licensure for qualified individuals.
 - o The following change is proposed:
 - IX Licensing under Special Conditions: Add subsection 9.5 to comply with Act 457 of 2023.

IX. LICENSING UNDER SPECIAL CONDITIONS

Section 9.1 LICENSURE BY ENDORSEMENT

Applicants from other states or Arkansas agencies must apply and complete the formal application process prior to license issue. The following rules apply to the process:

- (a) An applicant who has been licensed as a counselor or mental health professional in other state/states must submit a License Verification Form (LVF) from each state or agency.
- (b) Applicants who have continually maintained full licensure status as an LPC, LMFT or the equivalency for a minimum of three years (36 months) may be eligible for licensure endorsement by the Board. In addition to providing the application documentation described in Section 5 and 6 (i.e. Statement of Intent, Transcript, References, and examination scores), the applicant must provide verification that the license issued by another board is currently in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board.
- (c) Applicants who have continually maintained full licensure status as an LPC, LMFT or the equivalency for less than three years (36 months) may be eligible for licensure endorsement by the Board. A temporary license may be granted while an applicant completes the minimal educational requirements. In addition to meeting applicable requirements in Section 5 and 6, the applicant must provide verification that the license issued by another board is currently in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board. The applicant will need to document the total number of client contact hours (CCH) under supervision and the total number of supervision hours maintained. The Board will review the documented hours to determine the number of CCH and supervision hours required to meet licensure at the associate or full licensure status.
- (d) Applicants who have an associate, provisional, or an intern license from another state may be eligible for licensure by endorsement by the Board. A temporary license may be granted while completing the minimal educational requirements. In addition to meeting applicable requirements in Sections 5 and 6, the applicant must provide verification that the license issued by another Board is in good standing. Any history of disciplinary action, sanctions or license denial will be reviewed by the board. The applicant will need to document the total number of Client Contact Hours (CCH) under supervision and the total number of supervision hours maintained. The Board will review the documented hours to determine the number of CCH and supervision hours required to meet licensure at the associate or full licensure status.
- (e) Waiver of the NCE, NCMHCE, or the AMFTRB may be granted when the Board has determined that another examination is equivalent, or applicant meets licensure by endorsement rules.

Section 9.2 CONSULTING

- (a) Non-resident persons who are licensed by Counseling or Marriage and Family Therapy regulatory boards in other states or countries may provide consulting or research services within Arkansas for not more than thirty (30) days (discontinuous or continuous) per calendar year.
- (b) Consultant is defined as a licensed LPC/LMFT who has practiced as a professional for a minimum of three (3) years in another state and contracts with an Arkansas agency or institution for research, workshops, training, or for providing advice and guidance on professional issues.
- (c) Consultant activities and services must be short-term and contractual and must be sponsored and supervised by a licensed Arkansas LPC or LMFT. The Board must be notified in writing and approval obtained prior to any services being rendered.
- (d) Prospective employees, moving to Arkansas from another state, who are applying for an Arkansas license are not to be considered consultants and are not exempt from licensure.
- (e) Licensed Counselors or Marriage and Family Therapists who consult with other licensed professionals and/or develop relationships with Colleagues, employers and employees must follow the ACA and/or the AAMFT Code of Ethics sections related to professional relationships and consultation.

Section 9.3 OTHER PROFESSIONALS AND AGENCIES

- (a) Neither the National Counselor Examination nor the Association of Marital and Family Therapy Regulatory Board Examination will be waived for licensed Psychologists who apply for a license from the Board.
- (b) Licensed Psychological Examiners (LPEs) who apply for a LAC and/or LAMFT must minimally complete 1000 CCH of direct client contact as outlined in Section 4.1. The maximum of two thousand (2000) CCH of supervised professional experience may be submitted for approval by the Board if the applicant documents supervised experience consistent with his/her Statement of Intent by submitting:
 - 1. Documentation from the Arkansas Board of Examiners in Psychology (ABEP); and
 - 2. Statement from the ABEP or LPE supervisor verifying the ratio of supervision to CCH and that the scope of the practice supervised was not related to assessment, appraisal, or testing as part of their practice.

Section 9.4 LICENSURE FOR UNIFORMED SERVICE MEMBERS, VETERANS, AND THEIR SPOUSES

(a) As used in this subsection:

1. “automatic licensure” means the granting of occupational licensure without an individual’s having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by these Rules.
2. “uniformed service veteran” means former member of the United States Uniformed Services discharged under circumstances other than dishonorable.
3. “uniformed service member” means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(b) The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:

1. A uniformed service member stationed in the State of Arkansas;
2. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
3. The spouse of:
 - i. A person under Section 9.4(b) 1 or 2;
 - ii. A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; or
 - iii. A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(c) The Board shall grant automatic licensure upon receipt of all of the following:

1. Payment of the initial application and licensure fee;

2. Evidence that the individual holds a license with a similar scope of practice in another state; and
 3. Evidence that the applicant is a qualified applicant under Section 9.4(b).
- (d) The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.
- (e) A full exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.
- (f) The board shall accept relevant and applicable uniformed service education, training, national certification, or service-issued credential toward licensure qualifications or requirements when considering an application for initial licensure of an individual listed in Ark. Code Ann. § 17-4-104.

Section 9.5 AUTOMATIC OCCUPATIONAL LICENSURE UNDER ACT 457 OF 2023

(a). An applicant shall be eligible for automatic occupational licensure if:

1. The applicant is a resident of the State of Arkansas and is either:

- (i) in good standing for at least one (1) year for a license with similar scope of practice issued by another state, territory, or district of the United States; or,
- (ii) has worked for at least three (3) years in the occupation in another state, territory, or district of the United States that does not use a licensure to regulate the occupation for which the applicant is applying;

2. The applicant does not have a disqualifying criminal offense under Ark. Code Ann. §17-3-102 or under any additional state law relating to the licensure;

3. The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the licensure was granted;

4. The applicant pass an examination specific to relevant state laws that regulate the occupation.

5. The board may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the occupation if the board finds that:

- (i). The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and,
- (ii). A waiver will not harm public health, safety, or welfare.

6. The Board shall grant automatic licensure upon receipt of all of the following:

- (i). Payment of the initial application and licensure fee;

- (ii). Evidence that the individual is a resident of the State of Arkansas;
- (iii). Evidence that the applicant is a qualified applicant under Section 9.5(a)(1-3) above;
- (iv). Successful passage of the Board's jurisprudence exam.

67. Upon the applicant being granted automatic occupational licensure, the applicant shall:

- (i). Meet all other licensure requirements; and,
- (ii). Meet all renewal requirements of the licensure, including, without limitation, a criminal background check and continuing education hours.

8. Any applicant granted an automatic occupational license under this Section shall be granted no more than one (1) year to complete any of the other licensure requirements necessary for the license type, including but not limited to the Board's criminal background check requirements.

(b). Failure to comply with any of the requirements in Section 9.5(a)(7-9) may result in disciplinary action, including but not limited to revocation.

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(b) The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:

1. A uniformed service member stationed in the State of Arkansas;
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2. The applicant does not have a disqualifying criminal offense under Ark. Code Ann. §17-3-102 or under any additional state law relating to the licensure;
3. The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the licensure was granted;
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