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Rule Revision Summary Document

ADH Division of Health-Related Boards and Commissions – Arkansas Board of Examiners in Counseling and Marriage & Family Therapy

Request for Governor's approval of proposed rule revision

Updated language overview – Affected page numbers in mark-up draft

New version page numbers

Page 5-7	Counseling Compact – Act 260 of 2023
Page 7	Edit to executive session
Page 11-12	Supervision hour clarification
Page 16	Removing the requirement of face-to-face client contact; decreasing the number of direct client contact hours required.
Page 17	Clarification of indirect client contact, therapeutic interaction and methods of supervision accepted. Removing the requirement of face-to-face supervision.
Page 18	Clarification on Level II coursework credit
Page 19	Clarification for supervisor status applicants
Page 20	Clarification of oral interview frequency and supervisor/supervisee relationships.
Page 23	Removing faculty references requirement; Clarification of application extension process.
Page 24	Removing application extensions beyond one year.
Page 25	Removing 3-month waiting to reapply for written examination.
Page 26	Uniformed service members, veterans, spouses exemption; Removing university letter requirement for applicants.
Page 27	Matching wording from 17 CAR § 75-403, page 20.

Arkansas Board of Examiners in Counseling and Marriage & Family Therapy
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Page 28	Updating renewal requirements.
Page 29	Clarification to continuing education for licensure renewals.
Page 31	Moved to 17 CAR § 75-701; Removing requirement for supervision agreement in non-practicing status; contact information update.
Page 32	Email address method of contact; Complaint submission.
Page 33	Section title change and updates to include counseling compact privilege to practice.
Page 34	Clarification and typo correction.
Page 35	Update to include compact privilege to practice
Page 36	Email address method of contact; updating to include compact privilege to practice.
Page 37	Update to include compact privilege to practice
Page 39	Section title change due to compact privilege to practice and Marriage and Family Therapy Endorsement Act-858 of 2025.
Page 40	Updating section to comply with Marriage and Family Therapy Endorsement Act-858 of 2025.
Page 46	New sections to comply with Provisional Licensure Act-231 of 2025 and Counseling Compact Act-260 of 2023.
Page 53	Correction of omission and typo from previous revision.
Page 54	Adding section for Counseling Compact Fee.

17 CAR § 75-103 Definitions

Page 5

Adding definition for Counseling Compact Privilege to Practice.

17 CAR § 75-106 Purposes of organization

Page 6-7

Adding wording to incorporate Counseling Compact Privilege to Practice.

17 CAR § 75-108 Meetings

Page 7

Removing reference to going into executive session for oral examinations. The only reason our board can go into an executive session is to develop examination questions.

17 CAR § 75-303 Licensed professional counselors

Page 11

Adding clarification concerning the number of supervision hours required to go with the 3,000 client contact hours required for licensed professional counselors.

17 CAR § 75-305 Licensed marriage and family therapists

Page 12

Adding clarification concerning the number of supervision hours required to go with the 3,000 client contact hours required for licensed marriage and family therapists.

17 CAR § 75-401 Supervision content

Page 16

Adding clarification concerning the number of supervision hours required (175) to go with the 3,000 client contact hours required for licensure.

Removing requirement that direct client contact must be face to face.

Decreasing the number of direct client contact hours (2,000) while increasing the number of indirect client contact hours (1,000) a licensee can report.

Page 17

Clarifying what indirect client contact means.

Clarifying what therapeutic interaction means.

Clarifying methods of supervision accepted.

Removing requirement that 50% of Level I supervision must be face to face.

Page 18

Adding clarification concerning the number of supervision hours (5) that can be awarded with the completion of three (3) graduate semester hours of coursework or four (4) quarter credits of coursework.

Moving reference to 2,000 client contact hours for 60 graduate hours to later section in rules.

Clarifying how many supervision hours (25) can be awarded with the 500 client contact hours for passing the NCMHCE.

Adding reference to 2,000 client contact hours to this section that was removed from previous section.

17 CAR § 75-403 Supervisor requirements and restrictions

Page 19

Rewording for clarification concerning must be licensed in Arkansas for 3 years before applying for supervisor status.

Adding reference to Arkansas jurisprudence examination.

Page 20

Adding frequency of oral interviews for supervisor status applicants.

Clarifying wording of supervisors avoiding multiple relationships with supervisees.

17 CAR § 75-503 References

Page 23

Waiving requirement that applicants must submit faculty references, if applicant has been graduated more than 5 years.

17 CAR § 75-506 Duration of application

Clarifying application extension process.

Page 24

Removing application extension beyond one year.

17 CAR § 75-601 General administration

Page 25

Removing requirement for applicants to wait three (3) months before reapplying to take a written examination.

17 CAR § 75-602 Written examinations

Page 26

Adding exemption of uniformed service members, veterans and spouses.

Removing requirement of university letter for applicants in last semester of coursework.

17 CAR § 75-603 Oral interviews

Page 27

Adding wording to match what was previously stated in 17 CAR § 75-403, page 20.

17 CAR § 75-701 Renewal and fees

Page 28

Removal of requirement that renewals be postmarked as all renewals are now completed online.

Clarifying that all renewal information is available on the board website.

17 CAR § 75-702 Continuing education

Page 29

Clarification of taking a national examination in place of required continuing education for licensure renewal.

Removing confusing reference concerning NBCC provider numbers as this is not required for any continuing education.

17 CAR § 75-704 Renewal notice

Page 31

Moved this to 17 CAR § 75-701.

17 CAR § 75-705 Nonpracticing status

Removing the requirement for a supervision agreement for licensees in non-practicing status.

17 CAR § 75-706 Updating contact information

Clarifying what contact information needs to be updated.

Page 32

Adding email as a method of sending notice of complaints or hearings.

17 CAR § 75-801 Complaints

Removing reference to complaint forms available in board office as all complaints are submitted online.

17 CAR § 75-803 Suspension, revocation, denial of license issue, denial of renewal, denial of application for process and withdrawal of compact privilege to practice.

Page 33

Changing section title to include compact privilege to practice and updating this entire section to include compact privilege to practice.

Page 34

Clarification and typo correction.

Page 35

Updating to include compact privilege to practice.

Page 36

Adding email as a method of contact for licensees.

Updating to include compact privilege to practice.

Page 37

Updating to address compact privilege to practice.

17 CAR § 75-901 Special conditions

Page 39

Changing section title to be inclusive of compact privilege to practice and marriage and family therapy endorsement.

Removing confusing language concerning licensure verification.

Removing reference to minimum licensure of 3 years in another state to comply with Marriage and Family Therapy Endorsement-Act 858 of 2025.

Page 40

Removing the requirement for endorsement applicants to submit examination scores.

Removing all language pertaining to old licensure by endorsement to comply with Marriage and Family Therapy Endorsement Act-858.

17 CAR § 75-906 Provisional licensure under Act 2025, No.231

Page 46

Adding new section to comply with Provisional Licensure Act-231.

17 CAR § 75-907 Counseling compact

Adding new section to comply with Counseling Compact Act-260.

17 CAR § 75-1302 License fees

Page 53

Correction of omission/typo in previous rule revision.

17 CAR § 75-1305 Miscellaneous fees

Page 54

Adding counseling compact fee.

Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

Proposed Rulemaking

Title

Promulgated by:
Arkansas Board of Examiners in Counseling

Title 17. Professions, Occupations, and Businesses
Chapter XIII. Arkansas Board of Examiners in Counseling, Department of Health
Subchapter A. Generally
Part 75. Arkansas Board of Examiners in Counseling Rules
Subpart 1. General Information

17 CAR § 75-101. Preface.

(a)(1) The enabling legislation of the Arkansas Board of Examiners in Counseling is codified at Arkansas Code § 17-27-101, and it provides for the licensure and regulation of:

- (A) Counselors and marriage and family therapists; and
- (B) The individuals who are allowed to use the titles:
 - (i) Licensed professional counselor;
 - (ii) Licensed associate counselor;
 - (iii) Licensed marriage and family therapist; and
 - (iv) Licensed associate marriage and family therapist.

(2) The act is both title and practice.

(b) The board shall, in all deliberations and in all adopted rules, diligently pursue goals most consistent with the public interest and protection of the public welfare and shall, at all times, apply the provisions of Arkansas Code § 17-27-101 et seq., and this part in a fair and impartial manner.

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17 CAR § 75-102. Intent of the act.

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

17 CAR § 75-103. Definitions.

As used in this part:

(1)(A) "Board-approved supervisor status" means any person holding himself or herself out to the public by any title or description of services incorporating the words "approved supervisor status".

(B) Any person who meets the applicable requirements set forth in 17 CAR § 75-403 is approved to supervise LAC and/or LAMFT;

(2)(A) "Counseling" means assisting individuals or groups, through the counseling relationship, to:

- (i) Develop understanding of personal problems;
- (ii) Define goals; and
- (iii) Plan action reflecting:

- (a) Interests;
- (b) Abilities;
- (c) Aptitude; and
- (d) Needs.

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(B) The terms "counseling" and "psychotherapy" are synonymous and refer to 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.

(C) Counseling may also include clinical research and the diagnosis, treatment, and prevention of the above named conditions;

(3)(A) "Licensed associate counselor (LAC)" means any person holding himself or herself out to the public by any title or description of services incorporating the words "licensed associate counselor" who:

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(i) Meets the requirements set forth in 17 CAR § 75-302;
(ii) Offers to render counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or the general public for monetary remuneration or otherwise implying licensure, training, experience, and/or expertise in counseling; and
(iii) Holds a current, valid license to practice counseling under the supervision of a licensed professional counselor.

(B) Nothing in this definition shall be construed to include those professions excluded by Arkansas Code § 17-27-103;

(4)(A) "Licensed associate marriage and family therapist (LAMFT)" means any person who:

(i) Holds himself or herself out to the public by any title or description of services incorporating the words "licensed associate marriage and family therapist";

(ii) Meets the requirements set forth in 17 CAR § 75-304;

(iii) Offers to render marriage and family therapy services to individuals, couples, and families, singularly or in groups, for monetary remuneration; and

(iv) Holds a current, valid license to practice marriage and family therapy services under the supervision of a licensed marriage and family therapist.

(B) Nothing in this definition shall be construed to include those professions excluded by Arkansas Code § 17-27-103;

(5)(A) "Licensed marriage and family therapist (LMFT)" means any person who:

(i) Holds himself or herself out to the public by any title or description of services incorporating the words "licensed marriage and family therapist";

(ii) Meets the requirements set forth in 17 CAR § 75-305;

(iii) Offers to render marriage and family therapy services to individuals, groups, couples, families, organizations, corporations, institutions, government agencies, or the general public for monetary remuneration or otherwise

implying that he or she is licensed, trained, experienced, or an expert in marriage and family therapy; and

(iv) Holds a current, valid license to practice marriage and family therapy.

(B) Nothing in this definition shall be construed to include those professions excluded by Arkansas Code § 17-27-103;

(6)(A) "Licensed professional counselor (LPC)" shall mean any person holding himself or herself out to the public by any title or description of services incorporating the words "licensed professional counselor" who:

(i) Meets the requirements set forth in 17 CAR § 75-303;

(ii) Offers to render counseling services to individuals, groups, organizations, corporations, institutions, government agencies, or to the general public for monetary remuneration or who otherwise implies licensure, training, experience, and/or expertise in counseling; and

(iii) Holds a current valid license to practice counseling/psychotherapy.

(B) Nothing in this definition shall be construed to include those professions excluded by Arkansas Code § 17-27-103;

(7)(A) "Marriage and family therapy" means the use of scientific and applied marriage and family theories, methods, and procedures for the purpose of describing, evaluating, and modifying marital, family, and individual behavior within the context of marital and family systems, including the context of marital formation and dissolution.

(B) Marriage and family therapy is based on:

(i) Systems theories;

(ii) Marriage and family development;

(iii) Normal and dysfunctional behavior;

(iv) Human sexuality;

(v) Psychotherapeutic, marital, and family therapy theories; and

(vi) Techniques in the evaluation, assessment, and treatment of interpersonal or intrapersonal dysfunction within the context of marriage and family systems.

(C) Marriage and family therapy may also include:

(i) Clinical research; and

(ii) The diagnosis, treatment, and prevention of the above-named

conditions.

(D) Nothing in this definition or in this part shall be construed as precluding licensed professional counselors or licensed associate counselors from rendering these services; and

(8) "Statement of intent" means a typed statement from the applicant on file with the Arkansas Board of Examiners in Counseling describing the:

(A) Scope of practice for use under the requested license;

(B) Public with whom the applicant will work; and

(C) Counseling/psychotherapy and appraisal approaches the applicant plans to use (including techniques and tools).

(9) "Compact privilege to practice (CPP)" means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in Arkansas.

17 CAR § 75-104. Description of organization.

(a) The Arkansas Board of Examiners in Counseling is composed of nine (9) members appointed by the Governor to staggered terms of three (3) years.

(b) The composition of the board shall include:

(1) Six (6) licensed or licensable counselors, three (3) of whom are practicing counselors and three (3) of whom are counselor educators;

(2) One (1) licensed marriage and family therapist;

(3) One (1) member from the general public who is not licensed or licensable and not actively engaged in or retired from the profession; and

(4) One (1) member who shall represent the elderly.

(c) Board members shall be appointed for three-year terms.

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17 CAR § 75-105. Information for public guidance.

(a) Records of the Arkansas Board of Examiners in Counseling shall be kept, maintained, and made available for inspection in accordance with the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(b) Records of the board will be maintained in accordance with the laws governing retention of documents of state agencies.

(c)(1) The board may periodically release names of new licensees, those licensees whose licenses have been suspended or revoked, and those who are appealing a suspension or a revocation, to the:

- (A) American Counseling Association;
- (B) American Association for Marriage and Family Therapy; and
- (C) American Mental Health Counselors Association.

(2) This information may be periodically placed on the board website.

(d)(1) Final decisions arrived at through administrative hearings will be available to requesters, including third-party payers.

(2) All final decisions are reported to the National Practitioners Data Bank.

(3) These decisions will be available through the board's website or by written request from the board office.

17 CAR § 75-106. Purposes of organization.

(a)(1) The Arkansas Board of Examiners in Counseling is responsible for the regulation of the titles and the practices of counseling and marriage and family therapy in the State of Arkansas.

(2) This includes examining the qualifications of the applicants and approving each for licensing, as well as revoking, suspending, and renewing licenses.

(b)(1) In order to protect the citizens of Arkansas, obtaining an Arkansas license as a licensed professional counselor, licensed associate counselor, licensed marriage and family therapist, ~~or licensed associate marriage and family therapist, or compact~~

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privilege to practice is a prerequisite to offering, rendering, or delivering counseling services in Arkansas to individuals or groups located in Arkansas.

(2) The license requirement applies to traditional face-to-face counseling as well as to telemedicine.

(3) If a licensee offers services to clients in another state, the licensee is subject to laws of that state.

17 CAR § 75-107. Organization of the board.

(a) The Arkansas Board of Examiners in Counseling will elect officers within thirty (30) days before January 2 of each year.

(b) The board shall elect a chair, a secretary, and other such officers, as it deems necessary, from its members to serve for terms of one (1) year.

(c) Five (5) members shall at all times constitute a quorum.

(d) Additional meetings may be held at the discretion of the chair or upon written request of any three (3) members of the board.

17 CAR § 75-108. Meetings.

(a)(1) Meetings of the Arkansas Board of Examiners in Counseling shall be open to the public in accordance with the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(2) Dates, times, and places of meetings shall be:

(A) Furnished to anyone requesting the information; and

(B) Made available to the press and on the website.

(b) Under the provisions of the Freedom of Information Act of 1967 the board may go into executive session for the purpose of ~~giving oral licensure examinations or to develop~~ developing examination questions.

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17 CAR § 75-109. Finances.

(a)(1) The Arkansas Board of Examiners in Counseling shall charge fees for:

(A) Applications;

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- (B) Licenses;
- (C) Examinations; and
- (D) Other administrative purposes deemed necessary by the board.

(2) In addition to fees collected, the board is empowered to accept grants from foundations and institutions to carry out its function.

(b) The board may hire such personnel as necessary to carry out its activities.

(c) The board has adopted the model Anti-Fraud and Code of Ethics Policy provided by the Department of Finance and Administration.

Subpart 2. Exemptions

17 CAR § 75-201. Clergy.

(a)(1) Clergy appointed and/or endorsed by their local congregation/church, synagogue, denominational institution, or agency to practice pastoral counseling as parts of their responsibilities or duties of their ministry assignments are exempt from licensure requirements.

(2) The assignment must be authorized and/or endorsed by their local:

- (A) Congregation/church;
- (B) Synagogue;
- (C) Denominational institution; or
- (D) Agency.

(3) International and national licenses/certifications and/or assignments do not supersede state law.

(b) Any minister, clergy, or pastoral counselor who has a private counseling or marriage and family therapy practice (full time or part time) outside of ministry assignment must be licensed by the Arkansas Board of Examiners in Counseling.

17 CAR § 75-202. Volunteers.

(a)(1) Individuals who offer volunteer pastoral, marriage and family therapy, or counseling services are exempt from licensure requirements as long as their services

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are authorized and supervised by the local congregation/church, synagogue, denominational institution, agency, or organization for which the service is rendered.

(2) Volunteers must abide by the same requirements as the authorizing:

- (A) Congregation/church;
- (B) Synagogue;
- (C) Denominational institution;
- (D) Agency; or
- (E) Organization.

(b)(1) Approval is documented by the organization or agency for which the service is rendered.

(2) Approval means:

(A) A description of the assignment; and
(B) Designation of the person or persons responsible for supervising the volunteers (clergy, licensed professionals, etc.).

(3) Documentation is by letter on the organization or agency letterhead, signed by the Arkansas organization or agency authority approving the service.

(c)(1) Any fees to recover costs for materials and/or services rendered, whether assigned fees or donations, will be made payable and deposited to the agency, organization, church, or synagogue that has given the approval.

(2) Payment of any type, barter or cash, to the volunteer means the volunteer has entered the private sector and must be licensed by the Arkansas Board of Examiners in Counseling.

(d) An organization or agency includes but is not limited to Arkansas churches, synagogues, military assignments, and American Red Cross crisis assignments, etc.

(e)(1) The titles of the volunteers must not be counselor or therapist.

(2) Acceptable volunteer title examples follow:

- (A) Volunteer;
- (B) Disciple;
- (C) Mentor;
- (D) Lay clergy;

- (E) Shepherd; and
- (F) American Red Cross disaster mental health supervisor or technician.

Subpart 3. Licensing Qualifications

17 CAR § 75-301. Prelicensure background check.

(a) Pursuant to Arkansas Code § 17-3-103, an individual may petition for a prelicensure determination of:

(1) Whether the individual's criminal record will disqualify the individual from licensure; and

(2) Whether a waiver may be obtained.

(b) The individual must obtain the prelicensure criminal background check petition form from the Arkansas Board of Examiners in Counseling.

(c) The board will respond with a decision in writing to a completed petition within a reasonable time.

(d) The board's response will state the reasons for the decision.

(e) All decisions of the board in response to the petition will be determined by the information provided by the individual.

(f) Any decision made by the board in response to a prelicensure criminal background check petition is not subject to appeal.

(g) The board will retain a copy of the petition and response, and it will be reviewed during the formal application process.

17 CAR § 75-302. Licensed associate counselors.

(a) In order to be eligible as a licensed associate counselor, an applicant must:

(1)(A) Have received a graduate degree that is primarily professional counseling in content from a regionally accredited institution.

(B) The graduate semester hours must meet or exceed the national academic and training content standards adopted by the:

(i) Arkansas Board of Examiners in Counseling; or

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(ii) Council for Accreditation of Counseling and Related Educational Programs;

(2) Demonstrate professional competencies by passing written examinations and/or oral interviews as prescribed by the board;

(3) Arrange supervision with a board-approved LAC supervisor and have the agreement for the supervision approved by the board prior to license issue;

(4) Have met the criminal background check mandated by Arkansas Code § 17-27-313; and

(5) Be a citizen of the United States or have current documentation of legal alien work status issued by the United States Citizenship and Immigration Services.

(b) The LAC is not intended to be a permanent license.

17 CAR § 75-303. Licensed professional counselors.

In order to be eligible as a licensed professional counselor, an applicant must:

(1) Meet the requirements of 17 CAR § 75-302, with the exception of 17 CAR § 75-302(a)(3); and

(2) Provide evidence of three thousand (3,000) client contact hours and one hundred seventy-five (175) supervision hours of supervised experience in professional counseling acceptable to the Arkansas Board of Examiners in Counseling.

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17 CAR § 75-304. Licensed associate marriage and family therapists.

(a) In order to be eligible as a licensed associate marriage and family therapist, an applicant must:

(1)(A) Have received a graduate degree in marriage and family therapy or related field from a regionally accredited institution.

(B) The graduate semester hours must meet or exceed the national academic and training content standards adopted by the:

(i) Arkansas Board of Examiners in Counseling; or

(ii) Commission on Accreditation for Marriage and Family Therapy

Education;

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- (2) Demonstrate professional competencies by passing written examinations and/or oral interviews prescribed by the board;
 - (3) Arrange supervision with a board-approved LAMFT supervisor and have the agreement for supervision approved by the board prior to license issue;
 - (4) Have met the criminal background check mandated by Arkansas Code § 17-27-313; and
 - (5) Be a citizen of the United States or have current documentation of legal alien work status issued by the United States Citizenship and Immigration Services.
- (b) The LAMFT license is not intended to be a permanent license.

17 CAR § 75-305. Licensed marriage and family therapists.

In order to be eligible as a licensed marriage and family therapist, an applicant must:

- (1) Meet the requirements of 17 CAR § 75-304, with the exception of 17 CAR § 75-304(a)(3); and
- (2) Provide evidence of three thousand (3,000) client contact hours and one hundred seventy-five (175) supervision hours of supervised experience in marriage and family therapy acceptable to the Arkansas Board of Examiners in Counseling.

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17 CAR § 75-306. Graduate course requirements.

(a)(1) The applicant must:

- (A) Have received a graduate degree from a regionally accredited institution of higher education that is primarily professional counseling or therapy in content; and
 - (B) Document completion of a minimum of sixty (60) graduate semester hours in coursework, counseling/therapy in content, that meets the academic and training standards established by the Arkansas Board of Examiners in Counseling.
- (2) 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.

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(b) The adopted standards for LAC and LPC:

(1) Are the current Council for Accreditation of Counseling and Related Educational Programs (CACREP) standards; and

(2) Must meet Arkansas core curriculum standards.

(c) The adopted standards for LAMFT and LMFT:

(1) Are the current Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) standards; and

(2) Must meet Arkansas core curriculum standards.

(d) Additional documentation from the issuing institution may be required to verify that all course standards are met.

(e) Core curriculum for LAC or LPC includes:

(1) Professional identity and ethics, three (3) graduate credit hour minimum;

(2) Social and cultural diversity, three (3) graduate credit hour minimum;

(3) Human growth and development, three (3) graduate credit hour minimum;

(4) Career development, three (3) graduate credit hour minimum;

(5) Helping relations, three (3) graduate credit hour minimum;

(6) Group work, three (3) graduate credit hour minimum;

(7) Assessment, three (3) graduate credit hour minimum;

(8) Research and program evaluation, three (3) graduate credit hour

minimum;

(9) Practicum and/or internships, nine (9) graduate credit hour minimum in three (3) graduate courses over a minimum of six (6) months;

(10) Abnormal psychology/psychopathology, including DSM and ICD training, three (3) graduate credit hour minimum;

(11) Family and relationship, three (3) graduate credit hour minimum; and

(12) Technology-assisted counseling, one (1) graduate credit hour minimum.

(f) Core curriculum for LAMFT or LMFT includes:

(1) Foundations of relational/systemic practice, six (6) graduate credit hour minimum in two (2) graduate courses;

- (2) Clinical treatment with individuals, couples, and families, six (6) graduate credit hour minimum in two (2) graduate courses;
 - (3) Diverse, multicultural, and/or underserved communities, three (3) graduate credit hour minimum;
 - (4) Research and evaluation, three (3) graduate credit hour minimum;
 - (5) Professional identity, law, ethics, and social responsibility, three (3) graduate credit hour minimum;
 - (6) Biopsychosocial health and development across the lifespan, three (3) graduate credit hour minimum;
 - (7) Systemic/relationship assessment and mental health diagnosis, three (3) graduate credit hour minimum;
 - (8) Practicum/internships, nine (9) graduate credit hour minimum in three (3) graduate courses over a minimum of nine (9) months; and
 - (9) Technology-assisted counseling, one (1) graduate credit hour minimum.
- (g)(1) All graduate course hours used in the application for any license issued by the board must have a B- grade or above.
- (2) Grades of C+ or below will not be accepted for licensure purposes.
- (h) Online education will be treated the same as traditional education if the program is primarily professional counseling or marriage and family therapy in content and is earned from a regionally accredited institution of higher education and is recognized by National Council for State Authorization Reciprocity Agreements.
- (i)(1) Institutions of higher education that have graduate counselor education and related graduate programs that are not accredited by CACREP/COAMFTE must be regionally accredited and coursework must be approved by the board.
- (2) Applicants must submit the following information for board review:
 - (A) Two (2) graduate catalogs;
 - (B) A completed core curriculum for the sixty-hour requirements; and
 - (C) A copy of each syllabus listed on the core curriculum, if requested by the board.

17 CAR § 75-307. Waiver request for offenses on background check.

(a) If an individual has been convicted of an offense listed in Arkansas Code § 17-3-102(a) or (e), the Arkansas Board of Examiners in Counseling may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by an:

- (1) Affected applicant for a license; or
- (2) Individual holding a license subject to revocation.

(b) The board may grant a waiver upon consideration of the following, without limitation:

- (1) The age at which the offense was committed;
- (2) The circumstances surrounding the offense;
- (3) The length of time since the offense was committed;
- (4) Subsequent work history since the offense was committed;
- (5) Employment references since the offense was committed;
- (6) Character references since the offense was committed;
- (7) Relevance of the offense to the occupational license; and
- (8) Other evidence demonstrating that licensure of the applicant does not pose

a threat to the health or safety of the public.

(c) A request for a waiver, if made by an applicant, must:

- (1) Be in writing; and
- (2) Accompany the completed application and fees.

(d) The board will:

- (1) Respond with a decision in writing; and
- (2) State the reasons for the decision.

(e) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Subpart 4. Supervision

17 CAR § 75-401. Supervision content.

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(a) Supervision for the LAC must be provided by an LPC in Arkansas:

(1) Who holds approved supervisor status from the Arkansas Board of Examiners in Counseling; and

(2) Whose license is in good standing.

(b) Supervision for the LAMFT must be provided by an LMFT in Arkansas:

(1) Who holds approved supervisor status from the Arkansas Board of Examiners in Counseling; and

(2) Whose license is in good standing.

(c)(1) Supervision hours for applicants moving into the state must be approved by the Arkansas Board of Examiners in Counseling unless the applicant has held a current full license in good standing for three (3) years from their state of origin.

(2) In this case the Arkansas Board of Examiners in Counseling will review the applicant's file under 17 CAR § 75-901, licensure by endorsement.

(d)(1) Counselors or marriage and family therapists licensed at the associate level must complete three thousand (3,000) client contact hours (CCH) with one hundred seventy-five (175) supervision hours.

(2) The ratio for both the LAC and LAMFT will be:

(A) One (1) hour of supervision for every ten (10) hours of client contact for the first five hundred (500) direct CCH (Level 1); and

(B) One (1) hour of supervision for every twenty (20) CCH for the remaining two thousand five hundred (2,500) hours (Level 2).

(3) A direct client contact hour is defined as ~~face-to-face contact with a client or clients in a therapeutic interaction with individuals or groups.~~

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(e)(1) The LAC and LAMFT are required to have a minimum of three thousand (3,000) hours of client contact, two thousand ~~two hundred (2,200) (2,000) hours~~ defined as direct client contact.

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(2)(A) No more than ~~eight hundred (800) one thousand (1,000) hours of~~ indirect client contact may be counted in Level 2.

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(B) "Indirect client contact" means consultation, case management, paperwork, staffing, billing, and test administration when the clinician is not working

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~~face-to-face directly with the individuals or groups, but the services are related to the direct care of the individual or groups.~~

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~~"Therapeutic interaction" includes counseling, consultation, or related professional skills with actual clients, for the purpose of fostering social, cognitive, behavioral and/or affective change. These activities must involve interaction with others and may include assessment, counseling, psychoeducational activities and consultation.~~

(f) The total hours of supervised practice are one hundred seventy-five (175) clock hours of supervision ~~conducted face to face and/or through telemedicine.~~

(g) During the first five hundred (500) direct client hours (Level 1), no indirect hours can be counted.

(h) Dyadic supervision (one (1) supervisor and two (2) supervisees) is recorded as individual supervision.

(i)(1) Group supervision may not exceed half of the one hundred seventy-five (175) hours of supervision.

(2) A supervision group consists of three (3) to six (6) supervisees with the contracted supervisor.

(3) Group supervision may be counted in both levels.

~~(j)(1) Technology-assisted supervision cannot exceed fifty percent (50%) of supervision hours in Level 1.~~

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(2) Technology-assisted supervision may be counted in both levels.

(k) LAMFTs must have a minimum of one thousand (1,000) direct client contact hours in family/relational/group therapy.

(l) Group therapy sessions are reported in clock hours of the sessions, not the clock time multiplied by the number of clients in the group.

(m) Post-master's coursework necessary for application for an Arkansas license may not be applied to the required supervised work experience in accordance with this part.

(n) A licensee may reduce CCH/supervision hours by completing any of the following:

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(1)(A) One hundred (100) CCH and five (5) supervision hours may be gained for each three (3) graduate semester hours or four (4) quarter credits earned beyond the master's degree, provided that the hours are:

(i) Clearly related to the field of counseling or marriage and family therapy; and

(ii) Acceptable to the Arkansas Board of Examiners in Counseling.

~~(B) Up to two thousand (2,000) CCH may be gained for each sixty (60) graduate semester hours; or~~

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(2)(A) The LAC/LAMFT may petition the Arkansas Board of Examiners in Counseling in writing to take the National Clinical Mental Health Counseling Examination (NCMHCE), with recommendation of the contracted supervisor, upon the completion of Level 1.

(B) When approved, the applicant may:

(i) Apply to the National Board for Certified Counselors (NBCC); and

(ii) Take the NCMHCE.

(C) A passing score on the NCMHCE will reduce the number of CCH required by five hundred (500) and supervision hours by twenty-five (25).

(D) The applicant will send test application and test fee directly to NBCC.

No more than two thousand (2,000) CCHs and one hundred (100) supervision hours may be applied to level II supervision experience.

17 CAR § 75-402. Supervisee requirements and restrictions.

(a)(1) All LAC and LAMFT must have an Arkansas Board of Examiners in Counseling-approved supervision agreement prior to providing any therapy services.

(2) The LAC/LAMFT must notify the board immediately and in writing of any proposed change in supervisors.

(3) The LAC/LAMFT must obtain board approval of any change in supervisors.

(4) Failure to maintain an approved current supervision agreement may result in license suspension or revocation.

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(b)(1) Counselors or marriage and family therapists licensed at the associate level may offer professional counseling services beginning on the date of approval of a valid and current supervision agreement filed with the board and be under the supervision of a board-approved supervisor.

(2) No client may be seen prior to that date.

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

(1)(A) Maintaining a current, valid, and approved supervision agreement on file with the board prior to providing any counseling services.

(B) The primary responsibility is with the LAC or LAMFT, but is a shared responsibility with the supervisor;

(2) Maintaining an accurate statement of intent and filing a copy of the current board-approved statement with the supervisor of record; and

(3) Submission of client contact hours report and evaluation completed with the supervisor every six (6) months.

(d) 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.

17 CAR § 75-403. Supervisor requirements and restrictions.

(a) Board-approved supervisor requirements:

(1) Supervisor must be fully licensed in Arkansas for three (3) years. License must and be in good standing, as an LPC and/or an LMFT in Arkansas;

(2) Supervisor must document the completion of a three-hour post-master's graduate course in clinical supervision that included eighteen (18) hours of supervised experience in supervision;

(3) Supervisor must submit the board-approved supervisor status application and fee; and

(4) Prior to receiving the approved supervisor status, applicant must complete the Arkansas jurisprudence examination and an oral interview.

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In the event an applicant does not pass an oral interview, a subsequent interview may be scheduled in three (3) months.

(b) Supervisor restrictions:

(1)(A) A counselor or therapist holding board-approved supervisor status shall not sign new supervision plans/agreements if the:

- (i) Supervisor's license has not been renewed; or
- (ii) Supervisor is under investigation.

(B) 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;

(2)(A) Supervisors will be limited to twelve (12) supervision agreements at any given time.

(B) Exceptions to the limitation of twelve (12) may be made only at an Arkansas Board of Examiners in Counseling-initiated request to a designated supervisor;

(3) The board office staff may not approve supervision agreements to exceed twelve (12) supervisees for any one (1) supervisor;

(4) Supervisors must have a board-approved copy of a supervision agreement dated prior to providing supervision to a LAC or LAMFT;

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

(6)(A) The contracted supervisor may not delegate supervision responsibility to any other individual.

(B) The contracted supervisor should have an emergency plan if he or she were to be unavailable.

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17 CAR § 75-404. Supervision reports and evaluations.

(a) Supervision evaluations and client contact hours reports are due every six (6) months regardless of the number of CCH accumulated.

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

(c) The maximum of a thirty-day grace period following the scheduled due date is allowed for the Arkansas Board of Examiners in Counseling to receive the six-month reports and evaluations.

(d)(1) Reports submitted over thirty (30) days late will be reviewed by the board on a case-by-case basis to determine whether or not the hours will be accepted.

(2) The licensee and the supervisor must send a written explanation for the late report.

(3) The board:

(A) Will evaluate the stated reasons for the late reports; and

(B) May request the supervisor and supervisee to meet with the board for additional information prior to making a decision concerning the situation.

(e) A continual pattern of violation and failure to comply with this part may result in an administrative hearing for disciplinary action or suspension or revocation of license.

(f) The supervisor and the supervisee are both the responsible parties for maintaining a current board-approved supervision agreement.

Subpart 5. Application Requirements

17 CAR § 75-501. Statement of intent.

The statement of intent to practice must be:

- (1) Completed, signed, and dated by the applicant;
- (2) Consistent with the credentials and specializations documented by the licensee; and
- (3) Approved by the Arkansas Board of Examiners in Counseling.

17 CAR § 75-502. Transcripts.

(a)(1) Applicants must submit unofficial transcript documentation for Arkansas Board of Examiners in Counseling review.

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(2) An official transcript conferring the master's degree must be submitted prior to issuing the license.

(3) The board's office staff will review applicants' transcripts to ensure that:

(A) All academic coursework for licensure has been completed at institutions of higher education having accreditation recognized by the board for degree programs and courses;

(B) Applicants are minimally qualified to sit for the appropriate written examination or examinations by having completed either the required CACREP, COAMFTE, or equivalent core curriculum courses;

(C) Core curriculum courses have been completed prior to admission to written examination/examinations unless exempt under 17 CAR § 602(e); and

(D) 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's office staff is to request documentation of content from the applicant for clarification purposes.

17 CAR § 75-503. References.

(a)(1) The applicant will submit a minimum of four (4) references.

(2) Copies of references sent directly from other state boards or university placement centers will be accepted by endorsement if no more than five (5) years old.

(3) The applicant must include references from:

(A) Two (2) full-time or part-time faculty members in the degree granting training program;

(B) One (1) supervisor of the applicant's clinical work; and

(C) One (1) other mental health professional.

(4)(A) If the applicant has been licensed for more than three (3) years from another state, then faculty references are not required.

(B) Four (4) references are required from those familiar with the applicant's practice skills.

(5)(A) If the applicant has been graduated from a master's program for five (5) years or more, then faculty references are not required.

(B) Four (4) professional references are required from those familiar with the applicant's practice skills.

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(b)(1) The Arkansas Board of Examiners in Counseling will not accept evaluations, recommendations, and documentation of supervised experience from persons related either by blood or marriage.

(2) Current members of the Arkansas Board of Examiners in Counseling may not submit references for the applicants.

17 CAR § 75-505. Applicant status with other professional organizations and boards.

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

17 CAR § 75-506. Duration of application.

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

(b)(1) If the application process is not completed within (12) twelve months from receipt of the application by the board, an applicant may request that the board extend the twelve-month application window.

(2) A request of application extension, with the applicable fee, must be submitted to the board office prior to the application expiration. An applicant may extend an application one (1) time by paying the required application extension fee, prior to the application expiration.

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(3) If an extension is not requested or is denied, the application becomes void and the applicant must apply as a new applicant.

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

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

~~(e) Under no circumstances will the board grant more than two (2) application extensions.~~

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17 CAR § 17-75-504. Board decisions.

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

- (1) The applicant has passed an oral interview, if required; and
- (2) The applicant has been granted the license based upon satisfactory completion of the application process.

Subpart 6. Examinations

17 CAR § 75-601. General administration.

(a)(1) Applicants whose credentials meet the requirements of Arkansas Code §§ 17-27-301 – 17-27-305 will be issued an approval letter from the Arkansas Board of Examiners in Counseling to proceed with the written examination.

(2) Oral interviews may be required by the Arkansas Board of Examiners in Counseling if deemed necessary.

(b) Each year the Arkansas Board of Examiners in Counseling will contract for the administration of the:

- (1) National Counselor Examinations with the National Board for Certified Counselors (NBCC);
- (2) National Clinical Mental Health Counseling Examinations with NBCC;
- (3) Marital and Family Therapy National Examinations with the Association of Marital and Family Therapy Regulatory Boards; and

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

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

(d)(1) An applicant who fails ~~the required written examinations or an oral interview~~ must wait three (3) months before the next attempt.

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(2) An applicant will be approved by the Arkansas Board of Examiners in Counseling for each subsequent attempt following the three-month interval.

17 CAR § 75-602. Written examinations.

(a)(1) The Arkansas Board of Examiners in Counseling will adopt a prepared standardized test covering the specialized knowledge common to each license.

(2) The Arkansas Board of Examiners in Counseling may contract with test design specialists to:

(A) Prepare and provide materials for such testing; and

(B) Revise the examination as deemed necessary.

(3) Subtests in specialty skill areas may be a part of updating.

(4) The pass score determined for each examination is the acceptable score determined by the Arkansas Board of Examiners in Counseling to be the pass level.

(b) All applicants for licensure must complete one (1) of the following applicable written examinations:

(1) Counselor applicants must satisfactorily complete the National Counselor Examination or National Clinical Mental Health Counseling Examination unless applicant meets criteria as outlined in 17 CAR § 75-901; or

(2) Marriage and family therapist applicants must satisfactorily complete the Association of Marital and Family Therapy Regulatory Boards examination unless applicant meets criteria as outlined in 17 CAR § 75-901.

(c) All applicants must provide verification of a successful passing score on the Arkansas Board of Examiners in Counseling Jurisprudence Exam, with the exception of applicants meeting requirements of licensure as outlined in 17 CAR 75-904.

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

(1)(A) Test application and associated fees must be made directly to the national examining organizations for admission to sit for the written examinations.

(B) The test applications and fees for written examinations must comply with the test company's deadlines; and

(2) The licensure application, unofficial transcripts, core curriculum, and fees must be received by the Arkansas Board of Examiners in Counseling office for the applicant to receive approval to take the national exam.

(e) Persons who are enrolled in the final semester of graduate study in counseling or marriage and family therapy and have completed or are currently enrolled in the core curriculum courses may be admitted to the written examination ~~by submitting to the Arkansas Board of Examiners in Counseling, with their application, a letter stating their projected graduation date from one (1) of the following college or university officials:~~

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- ~~_____ (1) Graduate coordinator;~~
- ~~_____ (2) Department chair;~~
- ~~_____ (3) Registrar;~~
- ~~_____ (4) Associate dean; or~~
- ~~_____ (5) Dean.~~

17 CAR § 75-603. Oral interviews.

(a) All individuals applying for licensure may be required to complete an oral interview prior to being granted a license.

(b) Individuals applying for board-approved supervisor status will be required to successfully pass an oral interview.

(c) An oral interview may be scheduled for applicants upon receipt by the Arkansas Board of Examiners in Counseling of the following:

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- (1) A passing score on the written examinations;
- (2) The applicant's final official transcripts reflecting degree conferred;
- (3) Background checks; and
- (4) All other application requirements.

(d) The oral interview may include:

- (1) A review of the applicant's statement of intent;
- (2) Questions from the board relative to the profession of counseling/therapy;

and

- (3) Questions about credentials submitted with the application.

(e) If there are unresolved questions, the board may require an oral interview of any applicant.

In the event an applicant does not pass an oral interview, a subsequent interview may be scheduled in three (3) months.

17 CAR § 75-604. Unresolved questions.

Should the Arkansas Board of Examiners in Counseling have unresolved questions of competence it may require any one (1) or all of the following:

- (1) Additional academic work;
- (2) Additional supervised experience;
- (3) Additional training;
- (4) Additional references or recommendations;
- (5) Clarification of statement of intent;
- (6) Oral interview;
- (7) Training documentation; or
- (8) Other evidence deemed necessary to satisfy the board as to the

qualifications and/or fitness and competence of the applicant to practice as a counselor or marriage and family therapist.

Subpart 7. License Renewal

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17 CAR § 75-701. Renewal and fees.

(a) All licenses expire biennially on May 31 of the renewal year.

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

(c)(1)(A) Failure to pay the biennial fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent.

(B) See Arkansas Code § 17-27-307(a)(2)(A).

(2) Such lapsed license may be renewed within a period of twelve (12) months from the expiration date by payment of all fees and Arkansas Board of Examiners in Counseling requirements.

(d) A late fee will be assessed on June 1 if the renewal fee is ~~postmarked~~ submitted after midnight on May 31 of the renewal year.

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(e)(1) Failure to renew a license within twelve (12) months from the date of expiration will necessitate applying for the license as a new applicant meeting all requirements in effect as of the date the new application is received in the board office.

(2) In this circumstance, prior to the application being processed, the applicant may be required to appear before the board to explain the failure to meet the renewal deadlines.

Notices of renewal may be sent prior to the renewal due date. All renewal information is available on the board's website. Completion of renewal by the licensee is mandatory prior to license renewal.

17 CAR § 75-702. Continuing education.

(a)(1) No license will be renewed without evidence of satisfactory completion of a minimum of twenty-four (24) clock hours of continued professional education (CE) and/or training in the twenty-four (24) months prior to renewal.

(2) Evidence must also be submitted of a minimum of three (3) clock hours obtained in ethics relevant to the license being renewed.

(3) Remaining hours must be counseling in nature and support the licensee's statement of intent.

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(b) LACs, LPCs, LAMFTs, and LMFTs are responsible for maintaining all appropriate documentation of their continuing education hours completed during the previous twenty-four (24) months.

(c)(1) A percentage of all renewal notices may be audited and each licensee must submit proper documentation of CE credit.

(2) One-third (1/3) of the file numbers each year may be selected for audit.

(d) ~~If the licensee has not accumulated the required continuing education hours,~~ Formatted: Strikethrough
the licensee may take the NCE, NCMHCE, or the AMFTRB examination and meet the national pass score as a substitute for continuing education clock hours.

(e) The Arkansas Board of Examiners in Counseling recognizes the following activities/experiences, which demonstrate professional benefit to the licensee, as acceptable CE:

(1)(A) Attending workshops provided by a qualified professional from state and/or nationally recognized training programs.

~~(B) Workshops presented by a professional with an NBCC provider number are acceptable;~~ Formatted: Strikethrough

(2)(A) Presenting at workshops provided by a qualified professional from state and/or nationally recognized training programs.

(B) Presenters will receive two (2) hours per one (1) hour of the initial presentation;

(3)(A) Formal academic coursework related to the development or maintenance of skills related to the practice of counseling.

(B) These must be offered by regionally accredited academic institutions.

(C) Both undergraduate and graduate coursework will be acceptable.

(D) Fifteen (15) hours of CE credit may be counted for every one (1) hour of coursework;

(4)(A) Documentation of teaching a new course or publishing a journal article or book in an area of counseling or marriage and family therapy.

(B) Ten (10) hours of CE credit may be counted;

(5)(A) Relevant professional service in leadership positions such as officers of the state, regional, or national professional associations or members of the board.

(B) Ten (10) hours of CE credit may be counted; and

(6)(A) Volunteer services provided under the Volunteer Health Care Act, Arkansas Code § 20-8-801 et seq.

(B) One (1) hour of CE credit may be counted for every eight (8) hours of volunteer services.

(f)(1) For licensees who possess both the LAC/LPC and LAMFT/LMFT, the continuing education requirement will be twenty-four (24) hours, with three (3) hours minimum in ethics.

(2) The remaining twenty-one (21) hours must indicate a balance between counseling and marriage and family therapy content.

(g)(1) Six (6) continuing education hours in supervision content are required each renewal period for board-approved supervisors.

(2) Three (3) of the six (6) clock hours must be from:

(A) Board-recognized state associations; or

(B) An Arkansas university-associated workshop or program.

(h) Any licensee with a specialization claimed on the statement of intent must have CE hours specific to that specialization.

17 CAR § 75-703. Statement of intent.

(a) The statement of intent must be reviewed carefully, and at least one (1) theoretical approach to counseling must be checked and some techniques used in conjunction with that approach must be checked.

(b) Specializations noted on the statement of intent must be supported by appropriate training and/or certification.

(c) The approved statement of intent will be in force for the license renewal period unless amended.

(d)(1) The statement of intent may be revised at any time the scope of practice changes.

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(2) The revised statement of intent must be submitted to the Arkansas Board of Examiners in Counseling for approval.

~~17 CAR § 75-704. Renewal notice.~~

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- ~~— (a) Notices of renewal will be sent prior to the renewal due date.~~
- ~~— (b) All renewal forms are available on the Arkansas Board of Examiners in Counseling's website or may be requested from the board office.~~
- ~~— (c) Completion of such documentation by the licensee is mandatory prior to license renewal.~~

17 CAR § 75-705. Nonpracticing status.

(a) A nonpracticing status is available for extenuating circumstances, including but not limited to whether health related, leaving the field temporarily, retirement, or military deployment.

(b) The licensee must submit a request for nonpracticing status in writing describing circumstances for the request.

(c) If approved, the licensee must submit:

- (1) The biennial nonpracticing renewal fee; and
- (2) Proof of the required CEs.

(d) Licensees must submit an attestation that they will not practice counseling or marriage and family therapy while in nonpracticing status at the time of renewal.

LAC's and LAMFT's in non-practicing status are not required to have a supervision agreement on file. If the LAC or LAMFT decides to return to practicing status, a new supervision agreement must be submitted to the board for approval.

17 CAR § 75-706. Updating contact information.

(a) All persons holding a license issued by the Arkansas Board of Examiners in Counseling are required to provide and maintain current ~~address and contact~~ information (address, phone number, email) on file with the board so that the board can remain in contact and provide notice of complaints and/or hearings.

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(b) The licensee is required to provide written notice to the board of any change in business and/or residence within ten (10) working days of the change.

(c) Notices of complaints ~~and/or hearings will be sent by email or mail, will be~~ addressed to the latest address on file with the board.

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(d) Notices of hearings will be sent by mail, addressed to the latest address on file with the board.

Subpart 8. Discipline

17 CAR § 75-801. Complaints.

(a)(1) The Arkansas Board of Examiners in Counseling is authorized to receive complaints against licensees or applicants from any person.

(2) The complaint must be in writing and on a complaint form.

~~(3) Complaint forms are available from the board office or on the board's~~ website:

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(b) The board will appoint a subcommittee to review all complaints, consisting of:

- (1) The Executive Director of the Arkansas Board of Examiners in Counseling;
- (2) The Attorney General representative; and
- (3) One (1) current board member.

(c) The board may, on its own motion or recommendation by the subcommittee, initiate its own complaint and conduct an investigation of a suspected violation if reasonable cause exists to believe a violation has occurred.

(d) The subcommittee may enlist the assistance of an investigator should additional information be necessary.

(e) Upon completion of the complaint review the subcommittee will make a recommendation to the board, and one (1) of the following actions may be taken by the board as a result:

- (1) Dismiss the complaint with no further action;
- (2) Send a letter of caution to the licensee;

(3) Process a consent order and resolution agreement with the licensee that specifies conditions to be met and maintained; or

(4) Hold an administrative hearing to determine whether disciplinary action should be taken.

17 CAR § 75-802. Hearings.

(a)(1) Hearings to revoke or suspend a license or to impose other disciplinary sanctions are considered to be adjudicative hearings.

(2) The Arkansas Board of Examiners in Counseling acts in a quasi-judicial capacity when it conducts an adjudicative hearing.

(b) All adjudicative hearings before the board are held under the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

17 CAR § 75-803. Suspension, revocation, denial of license issue, denial of renewal, ~~and denial of application for processing and withdrawal of compact privilege to practice.~~

(a) In accordance with Arkansas Code § 17-27-309 and the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., the Arkansas Board of Examiners in Counseling will suspend, revoke, ~~or deny, or withdraw any license/~~CPP or impose other appropriate restrictions or additional sanctions for any person that has:

- (1) Been found guilty of violating any ethical or professional standard under which the license/CPP holder practices;
- (2) Failed to comply with mandated reporting as per state laws;
- (3) Not paid the biennial renewal fee within the time stated;
- (4) Not satisfied the Arkansas Board of Examiners in Counseling, by May 31 of the renewal year, with evidence of the completion of relevant professional or continued education experience;
- (5) Been found to be incompetent, misused the license/CPP, or been negligent in the rendering of counseling services;

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(6) Plead guilty or nolo contendere to or been found guilty of any offense listed under Arkansas Code § 17-3-102;

(7) Failed to follow any special directions of the Arkansas Board of Examiners in Counseling;

(8) Had one's professional license/~~certificate~~ revoked, suspended, or is under investigation by any:

(A) Other Arkansas board or certifying/licensing agency; or

(B) Any other ~~S~~state board or certifying/licensing agency;

(9) Failed to meet requirements of the criminal background check (Arkansas Code § 17-27-313); or

(10) Been placed upon a registry of this state or another in regards to public safety, including without limitation:

(A) A child maltreatment registry;

(B) An adult maltreatment registry; or

(C) A sex offender registry.

(b) **Alternative sanctions.** In addition, the Arkansas Board of Examiners in Counseling may, after a hearing, impose upon a licensee alternative sanctions provided by Arkansas Code § 25-15-217, which include a civil penalty not to exceed five hundred dollars (\$500) per violation.

(c)(1) If the Arkansas Board of Examiners in Counseling finds that it has erred in the granting of a license, the Arkansas Board of Examiners in Counseling will give written notice by certified or signature confirmation mail of intent to annul the license.

(2) The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days.

(d) **Denial of license.**

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

(2)(A) The grounds or basis for the proposed denial of a license will be set forth in writing by the Arkansas Board of Examiners in Counseling.

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(B) Any hearing on the denial of a license will be conducted in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., and unless otherwise provided by law, the applicant has the burden of establishing entitlement to the license.

(e) Suspension, revocation, annulment, or withdrawal.

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

Prior to the entry of a final order to annul or withdraw a CPP, the board will serve the holder of the privilege a notice of hearing in the manner set out in Arkansas Code 25-15-208.

(2) The Arkansas Board of Examiners in Counseling has the burden of proving the alleged facts and violations of law stated in the notice.

(f) Emergency action.

(1) If the Arkansas Board of Examiners in Counseling finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Arkansas Board of Examiners in Counseling can summarily suspend, limit, or restrict a license/CPP.

(2) Emergency order.

(A) An emergency adjudicative order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the Arkansas Board of Examiners in Counseling.

(B) The written order must include notification of the written notice.

(C) The written emergency adjudicative order will be immediately delivered to persons who are required to comply with the order.

(D) One (1) or more of the following procedures will be used:

(i) Personal delivery;

(ii) Certified mail, return receipt requested, to the last address on file

with the agency;

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(iii) First class mail to the last address on file with the agency;

(iv) Fax notice may be used as the sole method of delivery if the person required to comply with the order has:

(a) Filed a written request that the Arkansas Board of Examiners

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in Counseling orders be sent by fax; and

(b) Provided a fax number for that purpose; or

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(v)(a) Oral notice.

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(b) Unless the written emergency order is served by personal

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delivery on the same day that the order issues, the Arkansas Board of Examiners in Counseling shall make reasonable immediate efforts to contact by telephone and email the persons who are required to comply with the order.

(3) The Arkansas Board of Examiners in Counseling will promptly initiate an adjudicative hearing after the emergency action taken pursuant to this subsection.

(g) **Voluntary surrender of license.** The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the Arkansas Board of Examiners in Counseling's determination to accept the proffered surrender rather than conducting a formal disciplinary proceeding.

(h) **Duty of a sanctioned professional.** In every case in which a professional's license/ CPP is revoked, suspended, or surrendered, or withdrawn, the licensee/ CPP must:

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(1) Return his or her license and any license pocket cards to the agency's office;

(2) Notify all of his or her clients in writing that his or her license/ CPP has been:

(A) Revoked;

(B) Suspended; or

(C) Surrendered; or

Withdrawn:

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(3) Notify all clients to make arrangements for other professional services, calling attention to any urgency in seeking the substitution of another licensed professional;

(4) Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;

(5) Refund any part of the fees paid in advance that have not been earned;

(6) Keep and maintain a record of the steps necessary to accomplish the foregoing;

(7)(A) File with the Arkansas Board of Examiners in Counseling a list of all other state, federal, and administrative jurisdictions by which he or she is licensed.

(B) Upon such filing, the agency will notify those entitled of the:

(i) Revocation;

(ii) Suspension; ~~or~~

(iii) Surrender; ~~and or~~

~~Withdrawal; and~~

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(8)(A) Within thirty (30) days of revocation, suspension, ~~or surrender, or~~ ~~withdrawal~~ of the license/CPP, file an affidavit with the Arkansas Board of Examiners in Counseling that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her noncompliance.

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(B) Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

(i) Reinstatement after suspension.

(1) An order suspending a license may provide that a person desiring reinstatement may file with the Arkansas Board of Examiners in Counseling a verified petition requesting reinstatement.

(2)(A) The petition for reinstatement must set out the following:

(i) That the individual has fully and promptly complied with the requirements of subsection ~~(j)~~ (h) of this section pertaining to the duty of a sanctioned professional;

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(ii) That the individual has refrained from practicing in this profession during the period of suspension;

(iii) That the individual's license fee is current or has been tendered to the agency; and

(iv) That the individual has fully complied with any requirements imposed as conditions for reinstatement.

(B) Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.

(3) Failure to comply with the provisions of subdivisions (h)(7) and (8) of this section precludes consideration for reinstatement.

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

(j) Relicensure for revoked or surrendered license.

(1)(A) 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 Arkansas Board of Examiners in Counseling.

(B) The application for relicensure is not allowed until at least five (5) years after the revocation or surrender of license took effect.

(2) The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of the license before the application for relicensure is received.

(3) The Arkansas Board of Examiners in Counseling may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.

(4) The Arkansas Board of Examiners in Counseling may require that the person seeking relicensure take a licensing examination.

(5) The Arkansas Board of Examiners in Counseling may require that the person seeking relicensure have supervision for a specified time and ratio.

(6) When applying for relicensure after revocation or surrender of his or her license, the licensee must prove that he or she:

(A) Can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare; and

(B) Is otherwise qualified for the license pursuant to Arkansas Code § 17-27-101 et seq., and rules in effect the date the application for relicensure is received.

17 CAR § 75-804. Unauthorized counseling.

(a)(1) When the Arkansas Board of Examiners in Counseling is made aware of a violation or possible violation of Arkansas Code § 17-27-101 et seq., a certified or registered letter with return receipt, showing delivery to addressee only, shall be mailed to the last known address of the person in question requesting that the person cease and desist the practice of counseling without a license.

(2) The letter will direct attention to pertinent aspects of the law and the rules governing practice of counselors and marriage and family therapists.

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

Subpart 9. ~~Licensing Under Special c~~Conditions

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17 CAR § 75-901. Licensure by endorsement.

(a) Applicants from other states or Arkansas agencies must apply and complete the formal application process prior to license issue.

(b) The following rules apply to the process:

(1) An applicant who has been licensed as a counselor or mental health professional in another state/states must submit a license verification form from each state or agency;

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(2)(A) Applicants who have continually maintained full licensure status as an LPC, LMFT, or the equivalency for a minimum of three (3) years (thirty six (36) months) may be eligible for licensure endorsement by the Arkansas Board of Examiners in Counseling.

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(B) In addition to providing the application documentation described in 17 CAR § 75-501 et seq., and 17 CAR § 75-601 et seq. (i.e., statement of intent, transcript, and references, and examination scores), the applicant must provide verification that the license issued by another board is currently in good standing.

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(C) Any history of disciplinary action, sanctions, or license denial will be reviewed by the Arkansas Board of Examiners in Counseling;

(3)(A) Applicants who have continually maintained full licensure status as an LPC, LMFT, or the equivalency for less than three (3) years (thirty six (36) months) may be eligible for licensure endorsement by the Arkansas Board of Examiners in Counseling.

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(B) A temporary license may be granted while an applicant completes the minimal educational requirements.

(C) In addition to meeting applicable requirements in 17 CAR § 75-501 et seq., and 17 CAR § 75-601 et seq., the applicant must provide verification that the license issued by another board is currently in good standing.

(D) Any history of disciplinary action, sanctions, or license denial will be reviewed by the Arkansas Board of Examiners in Counseling.

(E) The applicant will need to document the total number of client contact hours (CCH) under supervision and the total number of supervision hours maintained.

(F) The Arkansas Board of Examiners in Counseling 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;

(4)(A) Applicants who have an associate, a provisional, or an intern license from another state may be eligible for licensure by endorsement by the Arkansas Board of Examiners in Counseling.

~~(B) A temporary license may be granted while completing the minimal educational requirements:~~

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(C) In addition to meeting applicable requirements in 17 CAR § 75-501 et seq., and 17 CAR § 75-601 et seq., the applicant must provide verification that the license issued by another board is in good standing.

(D) Any history of disciplinary action, sanctions, or license denial will be reviewed by the Arkansas Board of Examiners in Counseling.

(E) The applicant will need to document the total number of CCH under supervision and the total number of supervision hours maintained.

(F) The Arkansas Board of Examiners in Counseling 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; and

(5) Waiver of the NCE, NCMHCE, or the AMFTRB may be granted when the Arkansas Board of Examiners in Counseling has determined that:

- (A) Another examination is equivalent; or
- (B) The applicant meets licensure by endorsement rules.

17 CAR § 75-902. Consulting.

(a) Nonresident 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:

- (1) Research;
- (2) Workshops;

(3) Training; or

(4) Providing advice and guidance on professional issues.

(c)(1) Consultant activities and services must be:

(A) Short term and contractual; and

(B) Sponsored and supervised by a licensed Arkansas LPC or LMFT.

(2) The Arkansas Board of Examiners in Counseling 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.

17 CAR § 75-903. Other professionals and agencies.

(a) Neither the National Counselor Examination nor the Association of Marital and Family Therapy Regulatory Board's Marital and Family Therapy National Examination will be waived for licensed psychologists who apply for a license from the Arkansas Board of Examiners in Counseling.

(b)(1) Licensed psychological examiners (LPEs) who apply for an LAC and/or LAMFT must minimally complete one thousand (1,000) CCH of direct client contact as outlined in 17 CAR § 75-401.

(2) The maximum of two thousand (2,000) CCH of supervised professional experience may be submitted for approval by the Arkansas Board of Examiners in Counseling if the applicant documents supervised experience consistent with his or her statement of intent by submitting:

(A) Documentation from the Arkansas Psychology Board; and

(B) Statement from the Arkansas Psychology Board 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.

17 CAR § 75-904. Licensure for uniformed service members, veterans, and their spouses.

(a) As used in this section:

(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 this part;

(2) "Uniformed service member" means an:

(A) Active or reserve component member of the:

- (i) United States Air Force;
- (ii) United States Army;
- (iii) United States Coast Guard;
- (iv) United States Marine Corps;
- (v) United States Navy;
- (vi) United States Space Force; or
- (vii) National Guard;

(B) Active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) Active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(3) "Uniformed service veteran" means a former member of the uniformed services of the United States discharged under circumstances other than dishonorable.

(b) The Arkansas Board of Examiners in Counseling 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 United States 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 a:

(A) Person under subdivision (b)(1) or (2) of this section;

(B) 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

(C) 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 subsection (b) of this section.

(d) The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred 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 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 Arkansas Code § 17-4-104.

17 CAR § 75-905. Automatic occupational licensure under Acts 2023, No. 457.

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

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(1) Is a resident of the State of Arkansas and either:

(A) Is 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

(B) 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) Does not have a disqualifying criminal offense under Arkansas Code § 17-3-102 or under any additional state law relating to the licensure;

(3) 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; and

(4) Passes an examination specific to relevant state laws that regulate the occupation.

(b) The Arkansas Board of Examiners in Counseling 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:

(1) The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and

(2) A waiver will not harm public health, safety, or welfare.

(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 is a resident of the State of Arkansas;

(3) Evidence that the applicant is a qualified applicant under subdivisions

(a)(1) – (a)(3) of this section; and

(4) Successful passage of the board's jurisprudence exam.

(d) Upon the applicant being granted automatic occupational licensure, the applicant shall:

(1) Meet all other licensure requirements; and

(2) Meet all renewal requirements of the licensure, including without limitation a criminal background check and continuing education hours.

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(e) 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.

(f) Failure to comply with any of the requirements in subsections (d) and (e) of this section may result in disciplinary action, including, but not limited to, revocation.

17 CAR 75-906. Provisional licensure under Act 2025, No. 231.

Applicants for provisional licensure are granted a provisional license for one (1) year and three (3) attempts only to pass a national examination, in one (1) year. This application cannot be renewed.

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An applicant for LAC or LAMFT licensure may apply for provisional licensure by meeting the applicable requirements of sections 17 CAR 75-301 through 17 CAR 75-604

Failure to pass a national examination within one (1) year and three (3) attempts only, will require reapplication as a traditional applicant for licensure.

17 CAR 75-907. Counseling compact.

Licensees from other states who receive a privilege to practice in the state of Arkansas from the counseling compact must comply with Arkansas rules, laws and all counseling compact commission rules.

Arkansas licensees who wish to provide services in other states within the counseling compact must register through the counseling compact. This can be done through the counseling compact website.

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Subpart 10. Professional Ethics

17 CAR § 75-1001. Professional ethics.

(a) Except where in conflict with Arkansas law, the Arkansas Board of Examiners in Counseling adopts the most current ACA Code of Ethics for all persons holding an LAC or LPC license.

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(b) Except where in conflict with Arkansas law, the board adopts the most current AAMFT Code of Ethics for all persons holding an LAMFT or LMFT license.

(c) Licensees are responsible for adhering to the standards within the Medical Ethics and Diversity Act, Arkansas Code § 17-80-501 et seq.

(d) 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.

Subpart 11. Client Communications and Medical Records

17 CAR § 75-1101. Client communications and medical records.

(a)(1) The client of persons licensed by the Arkansas Board of Examiners in Counseling has a privilege to refuse to disclose and to prevent any other person from disclosing his or her medical records or confidential communications made for the purpose of diagnosis or treatment of his or her physical, mental, or emotional condition, including alcohol or drug addiction, among himself or herself, the licensee, and persons who are participating in the diagnosis or treatment under the direction of the licensee, including members of the client's family.

(2) See Rules 501, 502, and 503, Arkansas Rules of Evidence.

(b)(1) The licensee is presumed to have authority to claim the privilege on behalf of the patient.

(2) The privilege is subject to the exceptions listed in Rule 503(d).

(3) The following communications are not protected by the privilege:

(A) Communications relevant to an issue in proceedings to hospitalize the client are not privileged;

(B) Communications made in the course of a court ordered examination of the client are not privileged unless the court orders otherwise;

(C) Medical records or communications relevant to an issue of the physical, mental, or emotional condition of the patient in any proceeding in which he or she relies upon the condition as an element of his or her claim or defense or, after the

patient's death, in any proceeding in which any party relies upon the condition as an element of his or her claim or defense; and

(D) The licensee may be required to furnish medical records and communications in the context of formal discovery procedures.

Subpart 12. The Practice of Telemedicine

17 CAR § 75-1201. The practice of telemedicine — Definitions.

As used in this subpart:

(1) "Distant site" means the location of the healthcare professional delivering services through telemedicine at the time the services are provided (Arkansas Code § 17-80-402(1));

(2) "Originating site" means a site at which a patient is located at the time healthcare services are provided to him or her by means of telemedicine, including the home of a patient (Arkansas Code § 17-80-402(3));

(3) "Remote patient monitoring" means the use of synchronous or asynchronous electronic information and communication technology to collect personal health information and medical data from a patient at an originating site that is transmitted to a healthcare professional at a distant site for use in the treatment and management of medical conditions that require frequent monitoring (Arkansas Code § 17-80-402(5));

(4) "Store-and-forward technology" means the asynchronous transmission of a patient's medical information from a healthcare professional at an originating site to a healthcare professional at a distant site (Arkansas Code § 17-80-402(6)); and

(5)(A) "Telemedicine" means the use of electronic information and communication technology to deliver healthcare services, including without limitation the assessment, diagnosis, consultation, treatment, education, care management, and self-management of a patient.

(B) Telemedicine includes store-and-forward technology and remote patient monitoring (Arkansas Code § 17-80-402(7)).

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17 CAR § 75-1202. Establishing a licensed counselor-client or marriage family therapist-client relationship.

(a) A licensed counselor-client or marriage and family therapist-client relationship must be established in accordance with Arkansas Code §§ 17-80-402 and 17-80-403 and 17 CAR §§ 75-1203 and 75-1204 before the delivery of services via telemedicine.

(b) A client completing a psychosocial history online and forwarding it to a licensed counselor or marriage and family therapist is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.

(c) A licensed counselor or marriage and family therapist exhibits gross negligence if he or she provides and/or recommends any form of treatment via telemedicine without first establishing a proper licensed counselor-client or marriage and family therapist-client relationship.

17 CAR § 75-1203. Minimum requirements for licensed counselor-client or marriage and family therapist-client relationship.

For purposes of this part, a proper licensed counselor-client or marriage and family therapist-client relationship at a minimum requires that:

(1) The licensed counselor or marriage and family therapist:

(A) Performs an in-person psychosocial assessment of the client adequate to establish a diagnosis and develop a treatment plan;

(B) Performs a face-to-face psychosocial assessment using real-time audio and visual telemedicine technology that provides information at least equal to such information as would have been obtained by an in-person psychosocial assessment; or

(C) Knows the client and the client's general psychosocial issues through a previously established professional relationship; and

(2) Appropriate follow-up be provided or arranged, when necessary.

17 CAR § 75-1204. When a licensed counselor-client or marriage and family therapist-client relationship is deemed to exist.

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For the purposes of this part, a proper licensed counselor-client or marriage and family therapist-client relationship is deemed to exist in the following situations:

- (1) When treatment is provided in consultation with, or upon referral by, another provider or treatment team that has an ongoing relationship with the client and that has agreed to supervise the client's treatment, including follow-up care; and
- (2) On-call or cross-coverage situations arranged by the client's treating provider or treatment team.

17 CAR § 75-1205. Exceptions.

Recognizing a licensed counselor or marriage and family therapist's duty to adhere to the applicable standard of care and to comply with mandatory reporting laws, the following situations are excluded from the requirement of this part by Arkansas Code § 17-80-403(a)(2):

- (1) Emergency situations where the life or health of the client is in danger or imminent danger; and
- (2) Simply providing information of a generic nature not meant to be specific to an individual client.

17 CAR § 75-1206. Professional relationship exceptions.

Under Arkansas Code § 17-80-403(c), "professional relationship" does not include a relationship between a licensed counselor or marriage and family therapist and a client established only by the following:

- (1) An internet questionnaire;
- (2) An email message;
- (3) Patient-generated medical history;
- (4) Text messaging;
- (5) A facsimile machine; or
- (6) Any combination thereof.

17 CAR § 75-1207. Requirements for services provided via telemedicine.

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The following requirements apply to all services provided by licensed counselors or marriage and family therapists using telemedicine:

(1) The practice of counseling via telemedicine shall be held to the same standards of care as traditional in-person encounters;

(2) The licensed counselor or marriage and family therapist must obtain a detailed explanation of the client's complaint:

(A) From the client; or

(B) The client's treating provider or treatment team;

(3) If a decision is made to provide treatment, the licensed counselor or marriage and family therapist must agree to accept responsibility for the care of the client;

(4) If follow-up care is indicated, the licensed counselor or marriage and family therapist must agree to provide or arrange for such follow-up care;

(5) The licensed counselor or marriage and family therapist must keep a documented treatment record, including but not limited to psychosocial history;

(6)(A) At the client's request, the licensed counselor or marriage and family therapist must make available to the client an electronic or hard copy version of the client's treatment record documenting the encounter.

(B) Additionally, unless the client declines to consent, the licensed counselor or marriage and family therapist must forward a copy of the record of the encounter to the client's regular treating provider or treatment team if that provider or treatment team is not the same licensed counselor or marriage and family therapist delivering the service via telemedicine;

(7) Services must be delivered in a transparent manner, including providing access to information identifying the licensed counselor or marriage and family therapist's licensure and other relevant certifications, as well as client financial responsibilities, in advance of the encounter;

(8)(A) If the client, at the recommendation of the licensed counselor or marriage and family therapist, needs to be seen in person, the licensed counselor or marriage and family therapist must:

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(i) Arrange to see the client in person; or

(ii) Direct the client to their regular treating provider or treatment team or other appropriate provider if the client does not have a treating provider or treatment team.

(B) Such recommendation shall be documented in the client's treatment record;

(9) Licensed counselors or marriage and family therapists who deliver services through telemedicine must establish protocols for referrals for emergency services; and

(10)(A) Licensed counselors or marriage and family therapists may use telemedicine to provide group therapy.

(B) Telemedicine shall not be used for group therapy provided to a child who is eighteen (18) years of age or younger.

17 CAR § 75-1208. Scope of practice.

Licensed counselors or marriage and family therapists may practice counseling via telemedicine within the definitions found in 17 CAR § 75-103(2) and (8).

17 CAR § 75-1209. Confidentiality.

(a) Licensed counselors or marriage and family therapists who use technology to facilitate supervision, consultation, or other confidential meetings shall use appropriate precautions to protect the confidentiality of those communications.

(b) Precautions to protect confidentiality depend on the type of technology being used and may include:

(1) Using passwords, firewalls, encryption, and antivirus software;

(2) Using electronic service providers that rely on standards of security for data that are transmitted and stored; and

(3) Ensuring a private setting when using their electronic devices.

Subpart 13. Fees

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17 CAR § 75-1301. License application fees.

(a) License application fees are:

- (1) Application fee, initial LAC/LPC/LAMFT/LMFT license, one hundred dollars (\$100);
- (2) Application for board-approved supervisor status fee, fifty dollars (\$50.00);
- (3) Application extension fee, fifty dollars (\$50.00); and
- (4) New license fee, LAC to LPC or LAMFT to LMFT, fifty dollars (\$50.00).

(b) The Arkansas Board of Examiners in Counseling shall waive the initial application fee if the applicant:

- (1) Is receiving assistance through the:
 - (A) Arkansas Medicaid Program;
 - (B) Supplemental Nutrition Assistance Program;
 - (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
 - (D) Temporary Assistance for Needy Families Program; or
 - (E) Lifeline Assistance Program;
- (2) Was approved for unemployment within the last twelve (12) months; or
- (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

17 CAR § 75-1302. License fees.

(a) License fees are:

- (1) Associates (~~LAC or LAMFT~~), two hundred dollars (\$200);
- (2) Professionals (LPC or LMFT), two hundred fifty dollars (\$250);
- (3) Dual license LAC/LAMFT, three hundred fifty dollars (\$350); and
- (4) Dual license LPC/LMFT, four hundred dollars (\$400).

(b) The first license fee for all licenses is prorated based on the biennial license fee, according to the number of months licensed, one (1) time only, beginning June 1 of the fiscal year of license issue.

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17 CAR § 75-1303. License renewal fees.

License renewal fees are:

- (1) Biennial license renewal, associates (LAC ~~or LAMFT~~), two hundred dollars (\$200);
- (2) Biennial license renewal, professionals (LPC or LMFT), two hundred fifty dollars (\$250);
- (3) Biennial dual license renewal fee, LAC/LAMFT, three hundred fifty dollars (\$350);
- (4) Biennial dual license renewal fee, LPC/LMFT, four hundred dollars (\$400);
- (5) Late renewal fee, one hundred dollars (\$100) per month; and
- (6) Biennial nonpracticing status renewal fee, fifty dollars (\$50.00).

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17 CAR § 75-1304. License examination fees.

License examination fees are:

- (1) NCE, pay to NBCC;
 - (2) NCMHCE, pay to NBCC;
 - (3) AMFTRB Marital and Family Therapy National Examination, pay to AMFTRB;
- and
- (4) Arkansas Board of Examiners in Counseling Jurisprudence Exam, pay to NBCC.

17 CAR 75-1305. Miscellaneous fees.

Counseling compact fee, fifty dollars (\$50).

Subpart 14. Declaratory Orders

17 CAR § 75-1401. Purpose and use of declaratory orders.

(a) A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the Arkansas Board of Examiners in Counseling has authority.

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(b) A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances.

(c) A declaratory order is not the appropriate means for:

- (1) Determining the conduct of another person; or
- (2) Obtaining a policy statement of general applicability from a board.

(d) A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

17 CAR § 75-1402. The petition.

The process to obtain a declaratory order is begun by filing with the Arkansas Board of Examiners in Counseling a petition that provides the following information:

(1) The caption shall read: "Petition for Declaratory Order before the Arkansas Board of Examiners in Counseling";

(2) The name, address, telephone number, and facsimile number of the petitioner;

(3) The name, address, telephone number, and facsimile number of the attorney of the petitioner;

(4) The statutory provision or provisions, agency rule or rules, or agency order or orders on which the declaratory order is sought;

(5) A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the question or issue on which petitioner seeks a declaratory order;

(6) The signature of the petitioner or petitioner's attorney;

(7) The date; and

(8) Request for a hearing, if desired.

17 CAR § 75-1403. Board disposition.

(a)(1) The Arkansas Board of Examiners in Counseling may hold a hearing to consider a petition for declaratory order.

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(2) If a hearing is held, it shall be conducted in accordance with:

(A) Arkansas Code §§ 25-15-208 and 25-15-213; and

(B) The board's rules for adjudicatory hearings.

(b)(1) The board may rely on the statements of fact set out in the petition without taking any position with regard to validity of the facts.

(2) Within ninety (90) days of the filing of the petition, the board will render a final order:

(A) Denying the petition; or

(B) Issuing a declaratory order.