

**Title 17. Professions, Occupations, and Businesses**

**Chapter LXXIII. State Board of Examiners of Alcoholism and Drug Abuse Counselors, Department of Health**

**Part 390. Code of Ethics**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

"RULE 1 CODE OF ETHICS"

**Subpart 1. The Counseling Relationship**

**17 CAR § 390-101. Client welfare.**

(a) **Primary responsibility.** The primary responsibility of counselors is to respect the dignity and to promote the welfare of clients.

(b) **Positive growth and development.**

(1) Counselors encourage client growth and development in ways that foster the client's interest and welfare.

(2) Counselors avoid fostering dependent counseling relationships.

(c) **Treatment plans.**

(1) Counselors and their clients work jointly in devising integrated, individual treatment plans that:

(A) Offer reasonable promise of success; and

(B) Are consistent with abilities and circumstances of clients.

(2) Counselors and clients regularly review treatment plans to ensure their continued viability and effectiveness, respecting clients' freedom of choice.

(3) See 17 CAR § 390-103(b).

(d) **Family involvement.** Counselors recognize that families are usually important in the clients' lives and strive to enlist family understanding and involvement as a positive resource, when appropriate.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-102. Respecting diversity.**

(a) **Nondiscrimination.**

(1) Counselors do not condone or engage in discrimination based on:

(A) Age;

(B) Color;

(C) Culture;

(D) Disability;

(E) Ethnic group;

(F) Gender;

(G) Race;

(H) Religion;

(I) Sexual orientation;

(J) Marital status; or

(K) Socioeconomic status.

(2) See 17 CAR § 390-305(a), 17 CAR § 390-305(b), and 17 CAR § 390-401(i).

(b) **Respecting differences.**

(1) Counselors will actively attempt to understand the diverse cultural backgrounds of the clients with whom they work.

(2) This includes, but is not limited to, learning how the counselor's own cultural/ethnic/racial identity impacts his or her values and beliefs about the counseling process.

(3) See 17 CAR § 390-508 and 17 CAR § 390-602(i).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-103. Client rights.**

**(a) Disclosure to clients.**

(1) When counseling is initiated, and throughout the counseling process as necessary, counselors inform clients of:

(A) The purposes, goals, techniques, procedures, limitations, potential risks, and benefits of service to be performed; and

(B) Other pertinent information.

(2) Counselors take steps to ensure that clients understand the:

(A) Implications of diagnosis;

(B) Intended use of tests and reports;

(C) Fees; and

(D) Billing arrangements.

(3) Clients have the right to:

(A) Expect confidentiality and to be provided with an explanation of its limitations, including supervision and/or treatment team professionals;

(B) Obtain clear information about their case records;

(C) Participate in the ongoing treatment plans; and

(D) Refuse any recommended services and be advised of the consequences of such refusal.

(4) See 17 CAR § 390-505(a) and 17 CAR § 390-702.

**(b) Freedom of choice.**

(1) Counselors offer clients the freedom to choose whether to enter into a counseling relationship and to determine which profession or professions will provide counseling.

(2) Restrictions that limit choices of clients are fully explained.

**(c) Inability to give consent.**

(1) When counseling minors or persons unable to give voluntary informed consent, counselors act in this client's best interest.

(2) See 17 CAR § 390-203.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-104. Clients served by others.**

(a) If a client is receiving services from another mental health professional, counselors, and with client consent, inform the professional persons already involved and develop clear agreements to avoid confusion and conflict for the client.

(b) See 17 CAR § 390-306(c).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-105. Personal needs and values.**

(a) **Personal needs.** In the counseling relationship, counselors:  
(1) Are aware of the intimacy and responsibilities inherent in the counseling relationship;  
(2) Maintain respect for clients; and  
(3) Avoid actions that seek to meet their personal needs at the expense of clients.

(b) **Personal values.**  
(1) Counselors are aware of their own values, attitudes, beliefs, and behaviors and how these apply in a diverse society, and avoid imposing their values on clients.  
(2) See 17 CAR § 390-305(a).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-106. Dual relationships.**

(a) **Avoid when possible.**  
(1) Counselors are aware of their influential positions with respect to clients, and they avoid exploiting the trust and dependency of clients.  
(2)(A) Counselors make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients.  
(B) Examples of such relationships include, but are not limited to, familial, social, financial, business, or close personal relationships with clients.  
(3) When a dual relationship cannot be avoided, counselors take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.  
(4) See 17 CAR § 390-601(b).

(b) **Superior/subordinate relationships.** Counselors do not accept as clients superiors or subordinates with whom they have administrative, supervisory, or evaluative relationships.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-107. Sexual intimacies with clients.**

(a) **Current clients.** Counselors do not have any type of sexual intimacies with clients and do not counsel persons with whom they have had a sexual relationship.  
(b) **Former clients.** Counselors do not engage in sexual intimacies with former clients.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-108. Multiple clients.**

(a) When counselors agree to provide counseling services to two (2) or more persons who have a relationship (such as husband and wife, or parents and children), counselors clarify at the outset which person or persons are clients and the nature of the relationships they will have with each person.  
(b) If it becomes apparent that counselors may be called upon to perform potentially conflicting roles, they clarify, adjust, or withdraw from the roles appropriately.  
(c) See 17 CAR § 390-202 and 17 CAR § 390-204(d).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-109. Group work.**

(a) **Screening.**

- (1) Counselors screen prospective group counseling/therapy participants.
- (2) To the extent possible, counselors select members:
  - (A) Whose needs and goals are compatible with goals of the group;
  - (B) Who will not impede the group process; and
  - (C) Whose well-being will not be jeopardized by the group experience.

(b) **Protecting clients.** In a group setting, counselors take reasonable precautions to protect clients from physical or psychological trauma.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-110. Fees and bartering.**

(a) See 17 CAR § 390-403(a) and 17 CAR § 390-403(b).

(b) **Advanced understanding.**

(1) Counselors clearly explain to clients, prior to entering the counseling relationship, all financial arrangements related to professional services, including the use of collection agencies or legal measures for nonpayment.

(2) See 17 CAR § 390-111(c).

(c) **Establishing fees.**

(1) In establishing fees for professional counseling services, counselors consider the financial status of clients and locality.

(2) In the event that the established fee structure is inappropriate for a client, assistance is provided in attempting to find comparable services of acceptable cost.

(3) See 17 CAR § 390-110(e), 17 CAR § 390-403(a), and 17 CAR § 390-403(b).

(d) **Bartering discouraged.**

(1) Counselors ordinarily refrain from accepting goods or services from clients in return for counseling services because such arrangements create inherent potential for:

- (A) Conflicts;
- (B) Exploitation; and
- (C) Distortion of the professional relationship.

(2) Counselors may participate in bartering only if:

- (A) The relationship is not exploitive;
- (B) The client requests it;
- (C) A clear written contract is established; and
- (D) Such arrangements are an accepted practice among professionals in the community.

(3) See 17 CAR § 390-106(a).

(e) **Pro bono service.** Counselors contribute to society by devoting a portion of their professional activity to services for which there is little or no financial return (pro bono).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-111. Termination and referral.**

(a) **Abandonment prohibited.**

(1) Counselors do not abandon or neglect clients in counseling.

(2) Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations and following termination.

(b) **Inability to assist clients.**

(1) If counselors determine an inability to be of professional assistance to clients, they avoid entering or immediately terminate a counseling relationship.

(2) Counselors are knowledgeable about referral resources and suggest appropriate alternatives.

(3) If clients decline the suggested referral, counselors should discontinue the relationship.

**(c) Appropriate termination.**

(1) Counselors should terminate a counseling relationship, securing client agreement when possible, when:

(A) It is reasonably clear that the client is no longer benefiting;

(B) Services are no longer required;

(C) Counseling no longer serves the client's needs or interests;

(D) Clients do not pay fees charged; or

(E) Agency or institution limits do not allow provision of further counseling services.

(2) See 17 CAR § 390-110(c), 17 CAR § 390-302(g).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-112. Computer technology.**

(a) **Use of computers.** When computer applications are used in counseling services, counselors ensure that:

(1) The client is intellectually, emotionally, and physically capable of using the computer application;

(2) The computer application is appropriate for the needs of the client;

(3) The client understands the purpose and operation of the computer applications; and

(4) A follow-up of client use of a computer application is provided to:

(A) Correct possible misconceptions;

(B) Discover inappropriate use; and

(C) Assess subsequent needs.

(b) **Explanation of limitations.** Counselors ensure that clients are provided information as a part of the counseling relationship that adequately explains the limitations of computer technology.

**(c) Access to computer applications.**

(1) Counselors provide for equal access to computer applications in counseling services.

(2) See 17 CAR § 390-102(a).

**Authority.** Arkansas Code § 17-27-406.

**Subpart 2. Confidentiality**

**17 CAR § 390-201. Right to privacy.**

**(a) Respect for privacy.**

(1)(A) Counselors respect their clients' right to privacy and avoid illegal and unwarranted disclosures of confidential information.

(B) See 17 CAR § 390-103(a) and 17 CAR § 390-206(a).

(2) Counselors will abide by the federal mandate, 42 C.F.R. part 2.

(b) **Client waiver.** The right to privacy may be waived by the client and their legally recognized representative.

**(c) Exceptions.**

(1) The general requirement that counselors keep information confidential does not apply when:

(A) Disclosure is required to prevent clear and imminent danger to the client or others; or

(B) Legal requirements demand that confidential information be revealed.

(2) Counselors consult with other professionals when in doubt as to the validity of an exception.

**(d) Contagious, fatal diseases.**

(1) A counselor who receives information confirming that a client has a disease commonly known to be both communicable and fatal is justified in disclosing information to an identifiable third party, who by his or her relationship with the client is at high risk of contracting the disease.

(2) Prior to making a disclosure the counselor should ascertain that the client:

(A) Has not already informed the third party about his or her disease; and

(B) Is not intending to inform the third party in the immediate future.

(3) See 17 CAR § 390-201(c) and (f).

**(e) Court-ordered disclosure.**

(1) When court ordered to release confidential information without a client's permission, counselors request to the court that disclosure not be required due to potential harm to the client or counseling relationship.

(2) See 17 CAR § 390-201(c).

**(f) Minimal disclosure.**

(1) When circumstances require the disclosure of confidential information, only essential information is revealed.

(2) To the extent possible, clients are informed before confidential information is disclosed.

**(g) Explanation of limitations.**

(1) When counseling is initiated and throughout the counseling process as necessary, counselors inform clients of the limitations of confidentiality and identify foreseeable situations in which confidentiality be breached.

(2) See 17 CAR § 390-702(a).

**(h) Subordinates.**

(1) Counselors make every effort to ensure the privacy and confidentiality of clients is maintained by subordinates including employees, supervisees, clerical assistants, and volunteers.

(2) See 17 CAR § 390-201(a).

(i) **Treatment teams.** If client treatment will involve a continued review by a treatment team, the client will be informed of the teams and of the team's existence and composition.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-202. Groups and families.**

**(a) Group work.**

(1) In group work, counselors clearly define confidentiality and the parameters for the specific group being entered, explain its importance, and discuss the difficulties related to confidentiality involved in group work.

(2) The fact that confidentiality cannot be guaranteed is clearly communicated to group members.

**(b) Family counseling.**

(1) In family counseling, information about one family member cannot be disclosed to another family member without permission.

(2) Counselors protect the privacy rights of each family member.

(3) See 17 CAR § 390-108, 17 CAR § 390-203, and 17 CAR § 390-204(d).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-203. Minor or incompetent clients.**

(a) When counseling clients who are minors or individuals who are unable to give voluntary, informed consent, parents or guardians may be included in the counseling process as appropriate.

(b) Counselors act in the best interests of clients and take measures to safeguard confidentiality.

(c) See 17 CAR § 390-103(c).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-204. Records.**

(a) **Requirement of records.** Counselors maintain records necessary for rendering professional services to their clients and as required by laws, regulations, or agency or institutional procedures.

**(b) Confidentiality of records.**

(1) Counselors are responsible for securing the safety and confidentiality of any counseling records they create, maintain, transfer, or destroy whether the records are:

(A) Written;

(B) Taped;

(C) Computerized; or

(D) Stored in any other medium.

(2) See 17 CAR § 390-201(a).

**(c) Permission to record or observe.**

(1) Counselors obtain permission from clients prior to electronically recording or observing sessions.

(2) See 17 CAR § 390-103(a).

**(d) Client access.**

(1) Counselors recognize that counseling records are kept for the benefit of clients, and therefore provide access to records and copies of records when requested by competent clients, unless the records contain information that may be misleading and detrimental to the client.

(2) In situations involving multiple clients, access to records is limited to those parts of records that do not include confidential information related to another client.

(3) See 17 CAR § 390-108, 17 CAR § 390-201(a), 17 CAR § 390-202(b).

**(e) Disclosure or transfer.**

(1) Counselors obtain written permission from clients to disclose or transfer records to legitimate third parties unless exceptions to confidentiality exist as listed in 17 CAR § 390-201 et seq.

(2) Steps are taken to ensure that receivers of counseling records are sensitive to their confidential nature.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-205. Research and training.**

**(a) Data disguise required.**

(1) Use of data derived from counseling relationships for purposes of training, research, or publication is confined to content that is disguised to ensure the anonymity of the individuals involved.

(2) See 17 CAR § 390-201(g) and 17 CAR § 390-703(d).

**(b) Agreement for identification.**

(1) Identification of a client in a presentation or publication is permissible only when the client has reviewed the material and has agreed to its presentation or publication.

(2) See 17 CAR § 390-703(d).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-206. Consultation.**

**(a) Respect for privacy.**

(1) Information obtained in a consulting relationship is discussed for professional purposes only with persons clearly concerned with the case.

(2) Written and oral reports present data germane to the purposes of the consultation, and every effort is made to protect client identity and avoid undue invasion of privacy.

**(b) Cooperating agencies.** Before sharing information, counselors make efforts to ensure that there are defined policies in other agencies serving the counselor's clients that effectively protect the confidentiality of information.

**Authority.** Arkansas Code § 17-27-406.

**Subpart 3. Professional Responsibility**

**17 CAR § 390-301. Standards knowledge.**

Counselors have a responsibility to read, understand, and follow this part and the Standards of Practice, 17 CAR pt. 391.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-302. Professional competence.**

**(a) Boundaries of competence.**

(1) Counselors practice only within the boundaries of their competence based on their:

- (A) Education;
- (B) Training;
- (C) Supervised experience;
- (D) State and national professional credentials; and
- (E) Appropriate professional experience.

(2) Counselors will demonstrate a commitment to gain:

- (A) Knowledge;
- (B) Personal awareness;
- (C) Sensitivity; and
- (D) Skills pertinent to working with a diverse client population.

**(b) New specialty areas of practice.**

(1) Counselors practice in specialty areas new to them only after appropriate education, training, and supervised experience.

(2) While developing skills in new specialty areas, counselors take steps to:



- (A) Ensure the competence of their work; and
- (B) Protect others from possible harm.

**(c) Qualified for employment.**

(1) Counselors accept employment only for positions for which they are qualified by:

- (A) Education;
- (B) Training;
- (C) Supervised experience;
- (D) State and national professional credentials; and
- (E) Appropriate professional experience.

(2) Counselors hire for professional counseling positions only individuals who are qualified and competent.

**(d) Monitor effectiveness.**

(1) Counselors continually monitor their effectiveness as professionals and take steps to improve when necessary.

(2) Counselors in private practice take reasonable steps to seek out peer supervision to evaluate their efficacy as counselors.

**(e) Ethical issues consultation.**

(1) Counselors take reasonable steps to consult with other counselors or related professionals when they have questions regarding their ethical obligations or professional practice.

(2) See 17 CAR § 390-801.

**(f) Continuing education.**

(1) Counselors recognize the need for continuing education to maintain a reasonable level of awareness of current scientific and professional information in their fields of activity.

(2) They take steps to maintain competence in the skills they use, are open to new procedures, and keep current with the diverse and/or special populations with whom they work.

**(g) Impairment.**

(1) Counselors refrain from offering or accepting professional services when their physical, mental, or emotional problems are likely to harm a client or others.

(2) They are alert to the signs of impairment, seek assistance for problems, and, if necessary, limit, suspend, or terminate their professional responsibilities.

(3) See 17 CAR § 390-111(c).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-303. Advertising and social clients.**

**(a) Accurate advertising.**

(1) There are no restrictions on advertising by counselors, except those that can be specifically justified to protect the public from deceptive practices.

(2) Counselors advertise or represent their services to the public by identifying their credentials in an accurate manner that is not:

- (A) False;
- (B) Misleading;
- (C) Deceptive; or
- (D) Fraudulent.

(3) Counselors may only advertise the highest degree earned that is in counseling or a closely related field from a college or university that was accredited when the degree was awarded by one (1) of the regional accrediting bodies recognized by the Council on Postsecondary Accreditation.

(b) **Testimonials.** Counselors who use testimonials do not solicit them from clients or other persons who, because of their particular circumstances, may be vulnerable to undue influence.

(c) **Statements by others.** Counselors make reasonable efforts to ensure that statements made by others about them or the profession of counseling are accurate.

(d) **Recruiting through employment.**

(1) Counselors do not use their places of employment or institution affiliates to recruit or gain clients, supervisees, or consultees for their private practices.

(2) See 17 CAR § 390-305(c).

(e) **Products and training advertisements.** Counselors who develop products related to their profession or conduct workshops or training events ensure that the advertisements concerning these products or events are accurate and disclose adequate information for consumers to make informed choices.

(f) **Promoting to those served.**

(1) Counselors do not use counseling, teaching, training, or supervisory relationships to promote their products or training events in a manner that is deceptive or would exert undue influence on individuals who may be vulnerable.

(2) Counselors may adopt textbooks they have authored for instructional purposes.

(g) **Professional association involvement.** Counselors actively participate in local, state, and national associations that foster the development and improvement of counseling.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-304. Credentials.**

(a) **Credentials claimed.** Counselors claim or imply only professional credentials possessed and are responsible for correcting any known misrepresentations of their credentials by others.

(b) **Credential guidelines.** Counselors follow guidelines for use of credentials that have been established by the entities that issue the credentials.

(c) **Misrepresentation of credentials.** Counselors do not attribute more to their credentials than the credentials represent and do not imply that other counselors are not qualified because they do not possess certain credentials.

(d) **Doctoral degrees from other fields.** Counselors who hold a master's degree in counseling or a closely related mental health field but hold a doctoral degree from other than counseling or a closely related field:

(1) Do not use the title "Dr." in their practices; and

(2) Do not announce to the public in relation to their practice or status as a counselor that they hold a doctorate.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-305. Public responsibility.**

(a) **Nondiscrimination.**

(1) Counselors do not discriminate against clients, students, or supervisees in a manner that has a negative impact:

(A) Based on their:

(i) Age;

(ii) Color;

(iii) Culture;

(iv) Disability;

- (v) Ethnic group;
- (vi) Gender;
- (vii) Race;
- (viii) Religion;
- (ix) Sexual orientation; or
- (x) Socioeconomic status; or

(B) For any other reason.

(2) See 17 CAR § 390-102(a).

**(b) Sexual harassment.**

(1) Counselors do not engage in sexual harassment.

(2) Sexual harassment is defined as sexual solicitation, physical advances, or verbal or nonverbal conduct that:

- (A) Is sexual in nature;
- (B) Occurs in connection with professional activities or roles; and
- (C) Either is:

(i) Unwelcome, is offensive, or creates a hostile workplace environment, and counselors know or are told this; or

(ii) Sufficiently severe or intense to be perceived as harassment to a reasonable person in the context.

(3) Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts.

**(c) Reports to third parties.**

(1) Counselors are accurate, honest, and unbiased in reporting their professional activities and judgments to appropriate third parties, including:

- (A) Courts;
- (B) Health insurance companies;
- (C) Those who are the recipients of evaluation reports; and
- (D) Others.

(2) See 17 CAR § 390-201(g).

**(d) Media presentations.**

(1) When counselors provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they take reasonable precautions to ensure that the:

(A) Statements are based on appropriate professional counseling literature and practice;

(B) Statements are otherwise consistent with this part and Standards of Practice, 17 CAR pt. 391; and

(C) Recipients of the information are not encouraged to infer that a professional counseling relationship has been established.

(2) See 17 CAR § 390-306(b).

**(e) Unjustified gains.**

(1) Counselors do not use their professional positions to seek or receive:

- (A) Unjustified personal gains;
- (B) Sexual favors;
- (C) Unfair advantage; or
- (D) Unearned goods or services.

(2) See 17 CAR § 390-303(d).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-306. Responsibility to other professionals.**

**(a) Different approaches.**

(1) Counselors are respectful of approaches to professional counseling that differ from their own.

(2) Counselors know and take into account the traditions and practices of other professional groups with which they work.

**(b) Personal public statements.**

(1) When making personal statements in a public context, counselors clarify that they:

(A) Are speaking from their personal perspectives; and

(B) Are not speaking on behalf of all counselors or the profession.

(2) See 17 CAR § 390-305(d).

**(c) Clients served by others.**

(1) When counselors learn that their clients are in a professional relationship with another mental health professional, they request a release from the clients to inform the other professionals and strive to establish positive and collaborative professional relationships.

(2) See 17 CAR § 390-104.

**Authority.** Arkansas Code § 17-27-406.

**Subpart 4. Relationships with Other Professionals**

**17 CAR § 390-401. Relationships with employers and employees.**

**(a) Role definition.** Counselors define and describe for their employers and employees the parameters and levels of their professional roles.

**(b) Agreements.**

(1) Counselors establish working agreements with supervisors, colleagues, and subordinates regarding:

(A) Counseling or clinical relationships;

(B) Confidentiality;

(C) Adherence to professional standards;

(D) Distinction between public and private material;

(E) Maintenance and dissemination of recorded information;

(F) Workload; and

(G) Accountability.

(2) Working agreements in each instance are specified and made known to those concerned.

**(c) Negative conditions.** Counselors alert their employers to conditions that may:

(1) Be potentially disruptive or damaging to the counselor's professional responsibilities;  
or

(2) Limit their effectiveness.

**(d) Evaluation.** Counselors submit regularly to professional review and evaluation by their supervisor or the appropriate representative of the employer.

**(e) In-service.** Counselors are responsible for in-service development of self and staff.

**(f) Goals.** Counselors inform their staff of goals and programs.

**(g) Practices.**

(1) Counselors provide personnel and agency practices that respect and enhance rights and welfare of each employee and recipient of agency services.

(2) Counselors strive to maintain the highest levels of professional services.

(h) **Personnel selection and assignment.** Counselors select competent staff and assign responsibilities compatible with their skills and experiences.

(i) **Discrimination.**

(1) Counselors, as either employers or employees, do not engage in or condone practices that are inhumane, illegal, or unjustifiable (such as considerations based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, or socioeconomic status) in:

(A) Hiring;

(B) Promotion; or

(C) Training.

(2) See 17 CAR § 390-102(a) and 17 CAR § 390-305(a).

(j) **Professional conduct.** Counselors have a responsibility both to clients and the agency or institution within which services are performed to maintain high standards of professional conduct.

(k) **Exploitive relationships.** Counselors do not engage in exploitive relationships with individuals over whom they have supervisory, evaluative, or instructional control or authority.

(l) **Employer policies.**

(1) The acceptance of employment in an agency or institution implies that counselors are in agreement with its general policies and principles.

(2) Counselors strive to reach agreement with employers as to acceptable standards of conduct that allow for changes in institutional policy conducive to the growth and development of clients.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-402. Consultation.**

(a) See 17 CAR § 390-206.

(b) **Consultation as an option.**

(1) Counselors may choose to consult with any other professionally competent person about their clients.

(2) In choosing consultants, counselors avoid placing the consultant in a conflict of interest situation that would preclude the consultant being a proper party to the counselor's efforts to help the client.

(3) Should counselors be engaged in a work setting that compromises this consultation standard, they should consult with other professionals whenever possible to consider justifiable alternatives.

(c) **Consultant competency.** Counselors are reasonably certain that they have or the organization represented has the necessary competencies and resources for giving the kind of consulting services needed and that appropriate referral resources are available.

(d) **Understanding with clients.** When providing consultation, counselors attempt to develop with their clients a clear understanding of:

(1) Problem definition;

(2) Goals for change; and

(3) Predicted consequences of interventions selected.

(e) **Consultant goals.**

(1) The consulting relationship is one in which client adaptability and growth toward self-direction are consistently encouraged and cultivated.

(2) See 17 CAR § 390-101(b).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-403. Fees for referral.**

**(a) Accepting fees from agency clients.**

(1) Counselors refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the counselor's employing agency or institution.

(2) The policies of a particular agency may make explicit provisions for agency clients to receive counseling services from members of its staff in private practice.

(3) In such instances, the clients must be informed of other options open to them should they seek private counseling services.

(4) See 17 CAR § 390-110(b), 17 CAR § 390-111(b), and 17 CAR § 390-303(d).

**(b) Referral fees.** Counselors do not accept a referral fee from other:

(1) Professionals;

(2) Agencies; or

(3) Institutions.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-404. Subcontractor arrangements.**

(a) When counselors work as subcontractors for counseling services for a third party, they have a duty to inform clients of the limitations of confidentiality that the organization may place on counselors providing counseling services to clients.

(b) The limits of such confidentiality ordinarily are discussed as part of the intake session.

(c) See 17 CAR § 390-201(e) and 17 CAR § 390-201(f).

**Authority.** Arkansas Code § 17-27-406.

**Subpart 5. Evaluation, Assessment, and Interpretation**

**17 CAR § 390-501. General.**

**(a) Appraisal techniques.**

(1) The primary purpose of educational and psychological assessment is to provide measures that are objective and interpretable in either comparative or absolute terms.

(2) Counselors recognize the need to interpret the statements in this subpart as applying to the whole range of appraisal techniques including test and nontest data.

**(b) Client welfare.**

(1) Counselors promote the welfare and best interests of the client in the development, publication, and utilization of educational and psychological assessment techniques.

(2) They do not misuse assessment results and interpretations and take reasonable steps to prevent others from misusing the information these techniques provided.

(3) They respect the client's right to know the:

(A) Results;

(B) Interpretations made; and

(C) Basis for their conclusions and recommendations.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-502. Competence to use and interpret tests.**

**(a) Limits of competence.**

(1) Counselors recognize the limits of their competence and perform only those testing and assessment services for which they have been trained.

(2) They are familiar with reliability, validity, related standardization, error of measurement, and proper application of any technique utilized.

(3) Counselors using computer-based test interpretations are trained in the construct being measured and the specific instrument being used prior to using this type of computer application.

(4) Counselors take reasonable measures to ensure the proper use of psychological assessment techniques by persons under their supervision.

**(b) Appropriate use.** Counselors are responsible for the appropriate application, scoring, interpretation, and use of assessment instruments whether they score and interpret such tests themselves or use computerized or other services.

**(c) Decisions based on results.** Counselors responsible for decisions involving individuals or policies that are based on assessment results have a thorough understanding of educational and psychological measurement, including:

(1) Validation criteria;

(2) Test research; and

(3) Guidelines for test development and use.

**(d) Accurate information.**

(1) Counselors provide accurate information and avoid false claims or misconceptions when making statements about assessment instruments or techniques.

(2) Special efforts are made to avoid unwarranted connotations of such terms as IQ and grade equivalent scores.

(3) See 17 CAR § 390-305(c).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-503. Informed consent.**

**(a) Explanation to clients.**

(1) Prior to assessment, counselors explain the nature and purposes of assessment and the specific use of results in language the client (or other legally authorized person on behalf of the client) can understand unless an explicit exception to this right has been agreed upon in advance.

(2) Regardless of whether scoring and interpretation are completed by counselors, by assistants, or by computer or other outside services, counselors take reasonable steps to ensure that appropriate explanations are given to the client.

**(b) Recipients of results.**

(1) The examinee's welfare, explicit understanding, and prior agreement determine who receives the test results.

(2) Counselors include accurate and appropriate interpretations with any release of individual or group test results.

(3) See 17 CAR § 390-201(a) and 17 CAR § 390-305(c).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-504. Release of information to competent professionals.**

**(a) Misuse of results.**

(1) Counselors do not misuse assessment results, including test results, and interpretations and take reasonable steps to prevent the misuse of such by others.

(2) See 17 CAR § 390-305(c).

**(b) Release of raw data.**

(1) Counselors ordinarily release data (e.g., protocols, counseling or interview notes, or questionnaires) in which the client is identified only with consent of the client or the client's legal representative.

(2) Such data are usually released only to persons recognized by counselors as competent to interpret the data.

(3) See 17 CAR § 390-201(a).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-505. Proper diagnosis of mental disorders.**

**(a) Proper diagnosis.**

(1) Counselors take special care to provide proper diagnosis of mental disorders.

(2) Assessment techniques (including personal interview) used to determine client care (e.g., locus of treatment, type of treatment, or recommended follow-up) are carefully selected and appropriately used.

(3) See 17 CAR § 390-103(a) and 17 CAR § 390-305(c).

**(b) Cultural sensitivity.**

(1) Counselors recognize that culture affects the manner in which clients' problems are defined.

(2) Clients' socioeconomic and cultural experience is considered when diagnosing mental disorders.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-506. Test selection.**

(a) **Appropriateness of instruments.** Counselors carefully consider the validity, reliability, psychometric limitations, and appropriateness of instruments when selecting tests for use in a given situation or with a particular client.

(b) **Culturally diverse populations.** Counselors are cautious when selecting tests for culturally diverse populations to avoid inappropriateness of testing that may be outside of socialized behavioral or cognitive patterns.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-507. Conditions of test administration.**

**(a) Administration conditions.**

(1) Counselors administer tests under the same conditions that were established in their standardization.

(2) When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session:

(A) Those conditions are noted in interpretation; and

(B) The results may be designated as invalid or of questionable validity.

**(b) Computer administration.**



(1) Counselors are responsible for ensuring that administration programs function properly to provide clients with accurate results when computer or other electronic methods are used for test administration.

(2) See 17 CAR § 390-112(b).

(c) **Unsupervised test-taking.** Counselors do not permit unsupervised or inadequately supervised use of tests or assessments unless the test or assessments are designed, intended, and validated for self-administration and/or scoring.

(d) **Disclosure of favorable conditions.** Prior to test administration, conditions that produce most favorable test results are made known to the examinee.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-508. Diversity in testing.**

(a) Counselors are cautious in using assessment techniques, making evaluations, and interpreting the performance of populations not represented in the norm group on which an instrument was standardized.

(b) They recognize the effects of age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, and socioeconomic status on test administration and interpretation and place test results in proper perspective with other relevant factors.

(c) See 17 CAR § 390-102(a).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-509. Test scoring and interpretation.**

(a) **Reporting reservations.** In reporting assessment results, counselors indicate any reservations that exist regarding validity or reliability because of the:

(1) Circumstances of the assessment; or

(2) Inappropriateness of the norms for the person tested.

(b) **Research instruments.**

(1) Counselors use caution when interpreting the results of research instruments possessing insufficient technical data to support respondent results.

(2) The specific purposes for the use of such instruments are stated explicitly to the examinee.

(c) **Testing service.**

(1) Counselors who provide test scoring and test interpretation services to support the assessment process confirm the validity of such interpretations.

(2) They accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.

(3) The public offering of an automated test interpretation service is considered a professional-to-professional consultation.

(4) The formal responsibility of the consultant is to the consultee, but the ultimate and overriding responsibility is to the client.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-510. Test security.**

(a) Counselors maintain the integrity and security of tests and other assessment techniques consistent with legal and contractual obligations.

(b) Counselors do not appropriate, reproduce, or modify published tests or parts thereof without acknowledgment and permission from the publisher.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-511. Obsolete tests and outdated test results.**

(a) Counselors do not use data or test results that are obsolete or outdated for the current purpose.

(b) Counselors make every effort to prevent the misuse of obsolete measures and test data by others.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-512. Test construction.**

Counselors use established scientific procedures, relevant standards, and current professional knowledge for test design in the development, publication, and utilization of educational and psychological assessment techniques.

**Authority.** Arkansas Code § 17-27-406.

**Subpart 6. Teaching, Training, and Supervision**

**17 CAR § 390-601. Counselor educators and trainers.**

**(a) Educators as teachers and practitioners.**

(1) Counselors who are responsible for developing, implementing, and supervising educational programs are skilled as teachers and practitioners.

(2) They are knowledgeable regarding the ethical, legal, and regulatory aspects of the profession, are skilled in applying that knowledge, and make students and supervisees aware of their responsibilities.

(3) Counselors conduct counselor education and training programs in an ethical manner and serve as role models for professional behavior.

(4) Counselor educators should make an effort to infuse material related to human diversity into all courses and/or workshops that are designed to promote the development of professional counselors.

**(b) Relationship boundaries with students and supervisees.**

(1) Counselors clearly define and maintain ethical, professional, and social relationship boundaries with their students and supervisees.

(2) They are aware of the:

(A) Differential in power that exists; and

(B) Student's or supervisee's possible incomprehension of that power differential.

(3) Counselors explain to students and supervisees the potential for the relationship to become exploitive.

**(c) Sexual relationships.**

(1) Counselors do not engage in sexual relationships with students or supervisees and do not subject them to sexual harassment.

(2) See 17 CAR § 390-106 and 17 CAR § 390-305(b).

**(d) Contributions to research.**

(1) Counselors give credit to students or supervisees for their contributions to research and scholarly projects.

(2) Credit is given through co-authorship, acknowledgement, footnote statement, or other appropriate means in accordance with such contributions.

(3) See 17 CAR § 390-704(b) and 17 CAR § 390-704(c).

(e) **Close relatives.** Counselors do not accept close relatives as students or supervisees.

(f) **Supervision preparation.**

(1) Counselors who offer clinical supervision services are adequately prepared in supervision methods and techniques.

(2) Counselors who are doctoral students serving as practicum or internship supervisors to master's level students are adequately prepared and supervised by the training program.

(g) **Responsibility for services to clients.** Counselors who supervise the counseling services of others take reasonable measures to ensure that counseling services provided to clients are professional.

(h) **Endorsement.**

(1) Counselors do not endorse students or supervisees for certification, licensure, employment, or completion of an academic or training program if they believe students or supervisees are not qualified for the endorsement.

(2) Counselors take reasonable steps to assist students or supervisees who are not qualified for endorsement to become qualified.

**Authority.** Arkansas Code § 17-27-406.

#### **17 CAR § 390-602. Counselor education and training programs.**

(a) **Orientation.** Prior to admission, counselors orient prospective students to the counselor education or training program's expectations, including, but not limited to, the following:

(1) The type and level of skill acquisition required for successful completion of the training;

(2) Subject matter to be covered;

(3) Basis for evaluation;

(4) Training components that encourage self-growth or self-disclosure as part of the training process;

(5) The type of supervision setting and requirements of the sites for required clinical field experiences;

(6) Student and supervisee evaluation and dismissal policies and procedures; and

(7) Up-to-date employment prospects for graduates.

(b) **Integration of study and practice.** Counselors establish counselor education and training programs that integrate academic study and supervised practice.

(c) **Evaluation.**

(1) Counselors clearly state to students and supervisees, in advance of training, the levels of competency expected, appraisal methods, and timing of evaluations for both didactic and experiential components.

(2) Counselors provide students and supervisees with periodic performance appraisal and evaluation feedback throughout the training program.

(d) **Teaching ethics.**

(1) Counselors make students and supervisees aware of the:

(A) Ethical responsibilities and standards of the profession; and

(B) Student's and supervisee's ethical responsibilities to the profession.

(2) See 17 CAR § 390-301 and 17 CAR § 390-603(e).

**(e) Peer relationships.**

(1) When students or supervisees are assigned to lead counseling groups or provide clinical supervision for their peers, counselors take steps to ensure that:

(A) Students and supervisees placed in these roles do not have personal or adverse relationships with peers; and

(B) They understand they have the same ethical obligations as counselor:

- (i) Educators;
- (ii) Trainers; and
- (iii) Supervisors.

(2) Counselors make every effort to ensure that the rights of peers are not compromised when students or supervisees are assigned to lead counseling groups or provide clinical supervision.

**(f) Varied theoretical positions.**

(1) Counselors present varied theoretical positions so that students and supervisees may make comparisons and have opportunities to develop their own positions.

(2) Counselors provide information concerning the scientific basis of professional practice.

(3) See 17 CAR § 390-306(a).

**(g) Field placements.**

(1) Counselors develop clear policies within their training program regarding field placement and other clinical experiences.

(2) Counselors provide clearly stated roles and responsibilities for the:

- (A) Student or supervisee;
- (B) Site supervisor; and
- (C) Program supervisor.

(3) They confirm that site supervisors are:

- (A) Qualified to provide supervision; and
- (B) Informed of their professional and ethical responsibilities in this role.

**(h) Dual relationships as supervisors.**

(1) Counselors avoid dual relationships, such as performing the role of site supervisor and training program supervisor in the student's or supervisee's training program.

(2) Counselors do not accept any form of professional services, fees, commissions, reimbursement, or remuneration from a site for student or supervisee placement.

**(i) Diversity in programs.**

(1) Counselors are responsive to their institution's and program's recruitment and retention needs for training program administrators, faculty, and students with diverse backgrounds and special needs.

(2) See 17 CAR § 390-102(a).

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-603. Students and supervisees.**

**(a) Limitations.**

(1) Counselors, through ongoing evaluation and appraisal, are aware of the academic and personal limitations of students and supervisees that might impede performance.

(2) Counselors assist students and supervisees in securing remedial assistance when needed and dismiss from the training program supervisees who are unable to provide competent service due to academic or personal limitations.

(3) Counselors seek professional consultation and document their decision to dismiss or refer students or supervisees for assistance.

(4) Counselors assure that students and supervisees have recourse to:

- (A) Address decisions made;
- (B) Require them to seek assistance; or
- (C) Dismiss them.

**(b) Self-growth experiences.**

(1) Counselors use professional judgment when designing training experiences conducted by the counselors themselves that require student and supervisee self-growth or self-disclosure.

(2) Safeguards are provided so that students and supervisees are aware of the ramifications their self-disclosure may have on counselors whose primary role as teacher, trainer, or supervisor requires an ethical obligation to the profession.

(3) Evaluative components of experiential training experiences explicitly delineate predetermined academic standards that are separate and not dependent on the student's level of self-disclosure.

(4) See 17 CAR § 390-106.

**(c) Counseling for students and supervisees.**

(1) If students or supervisees request counseling, supervisors or counselor educators provide them with acceptable referrals.

(2) Supervisors or counselor educators do not serve as counselor to students or supervisees over whom they hold administrative, teaching, or evaluative roles unless this is a brief role associated with a training experience.

(3) See 17 CAR § 390-106(b).

**(d) Clients of students and supervisees.**

(1) Counselors make every effort to ensure that the clients at field placements are aware of the services rendered and the qualifications of the students and supervisees rendering those services.

(2) Clients receive professional disclosure information and are informed of the limits of confidentiality.

(3) Client permission is obtained in order for the students and supervisees to use any information concerning the counseling relationship in the training process.

(4) See 17 CAR § 390-201(e).

**(e) Standards for students and supervisees.**

(1) Students and supervisees preparing to become counselors adhere to this part and the Standards of Practice, 17 CAR pt. 391.

(2) Students and supervisees have the same obligations to clients as those required of counselors.

(3) See 17 CAR § 390-801.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-604. Qualification for direct clinical supervision.**

(a) **Who can provide direct clinical supervision.** Direct clinical supervision is provided by a clinical supervisor as specified in subdivision (b)(2) of this section.

(b) **Clinical supervision and related terms defined.** As used in this section:

(1) "Clinical supervision" means a disciplined tutorial process of planning, directing, monitoring, and evaluating the work of a counselor credentialed or working towards a credential as a

licensed alcoholism and drug abuse counselor or a certified alcoholism and drug abuse technician by the State Board of Examiners of Alcoholism and Drug Abuse Counselors;

(2)(A) "Clinical supervisor" means an LADAC or a clinical supervisor (CS) who has:

(i) Worked a minimum of three (3) years in the capacity described in subdivision (b)(1) of this section in a substance use disorder or a co-occurring disorder (substance use and mental health) treatment program;

(ii) Completed thirty-six (36) hours in the six (6) domains of clinical supervision; and

(iii) Passed the International Certification & Reciprocity Consortium Clinical Supervision Examination.

(B) Other behavioral healthcare professionals with specific SUD and supervision credentials, as well as documented experience, may qualify as a clinical supervisor following review and approval by the State Board of Examiners of Alcoholism and Drug Abuse Counselors;

(3)(A) "Direct clinical supervision" means the process of performing the duties identified in subdivision (b)(1) of this section under direct contact between the supervisor and the applicant.

(B) Such direct contact:

(i) Must include face-to-face individual and group sessions; and

(ii) May also include phone and video conferences;

(4)(A) "Registered clinical supervisor" means an LADAC or a CS who:

(i) Works in the capacity described in subdivision (b)(1) of this section;

(ii) Meets criteria in subdivision (b)(2) of this section; and

(iii) Is registered with the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(B) Proof of passing the CS exam must be sent to the State Board of Examiners of Alcoholism and Drug Abuse Counselors to become registered.

(C) Other behavioral healthcare professionals with specific SUD credentials may apply for registration with the State Board of Examiners of Alcoholism and Drug Abuse Counselors by submitting documentation of equivalent training, experience, and credentials for review and approval; and

(5)(A) The "twelve (12) core functions" encompass the main duties of an addiction treatment counselor, which are:

(i) Screening;

(ii) Intake;

(iii) Orientation;

(iv) Assessment;

(v) Treatment planning;

(vi) Counseling;

(vii) Case management;

(viii) Crisis intervention;

(ix) Client education;

(x) Referral;

(xi) Report and record keeping; and

(xii) Consultation.

(B) Specific training in ethics is also required.

**(c) Minimum requirements.**

(1) Any person providing direct supervision must:

(A) Complete a minimum of six (6) domains of training at six (6) hours each for a total of thirty-six (36) hours of required training in the performance domains for clinical supervision to include:

- (i) Domain 1, counselor development;
- (ii) Domain 2, professional and ethical standards;
- (iii) Domain 3, program development and quality assurance;
- (iv) Domain 4, performance evaluation;
- (v) Domain 5, administration; and
- (vi) Domain 6, treatment knowledge; and

(B) Furnish documentation of the above qualifications to the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(2) Upon successful completion of the above requirements the applicant will be granted the title of "registered clinical supervisor".

(d) **Additional requirements.** Each registered clinical supervisor must complete six (6) hours of clinical supervision training during each two-year licensing cycle in order to maintain their registered clinical supervisor status.

**Authority.** Arkansas Code § 17-27-406.

**Codification Notes.** "LADAC" refers to licensed alcoholism and drug abuse counselor.

"SUD" refers to substance use disorder.

## **Subpart 7. Research and Publication**

### **17 CAR § 390-701. Research responsibilities.**

#### **(a) Use of human subjects.**

(1) Counselors plan, design, conduct, and report research in a manner consistent with pertinent ethical principles, federal and state laws, host institutional regulations, and scientific standards governing research with human subjects.

(2) Counselors design and conduct research that reflects cultural sensitivity appropriateness.

#### **(b) Deviation from standard practices.**

(1) Counselors seek consultation and observe stringent safeguards to protect the rights of research participants when a research problem suggests a deviation from standard acceptable practices.

(2) See 17 CAR § 390-206.

#### **(c) Precautions to avoid injury.** Counselors who conduct research with human subjects:

(1) Are responsible for the subject's welfare throughout the experiment; and

(2) Take reasonable precautions to avoid causing injurious psychological, physical, or social effects to their subjects.

#### **(d) Principal researcher responsibility.**

(1) The ultimate responsibility for ethical research practice lies with the principal researcher.

(2) All others involved in the research activities share ethical obligations and full responsibility for their own actions.

(e) **Minimal interference.** Counselors take reasonable precautions to avoid causing disruptions in subject's lives due to participation in research.

**(f) Diversity.**

- (1) Counselors are sensitive to diversity and research issues with special populations.
- (2) They seek consultation when appropriate.
- (3) See 17 CAR § 390-102(a) and 17 CAR § 390-206.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-702. Informed consent.**

**(a) Topics disclosed.**

- (1) In obtaining informed consent for research, counselors use language that is understandable to research participants and that:
- (A) Accurately explains the purpose and procedures to be followed;
  - (B) Identifies any procedures that are experimental or relatively untried;
  - (C) Describes the attendant discomforts and risks;
  - (D) Describes the benefits or changes in individuals and organizations that might be reasonably expected;
  - (E) Discloses appropriate alternative procedures that would be advantageous for subjects;
  - (F) Offers to answer any inquiries concerning the procedures;
  - (G) Describes any limitations on confidentiality; and
  - (H) Instructs that subjects are free to withdraw their consent and to discontinue participation in the project at any time.

- (2) See 17 CAR § 390-201(f).

**(b) Deception.** Counselors do not conduct research involving deception.

**(c) Voluntary participation.**

- (1) Participation in research is typically voluntary and without penalty for refusal to participate.
- (2) Involuntary participation is appropriate only when it can be demonstrated that participation:
- (A) Will have no harmful effects on subjects; and
  - (B) Is essential to the investigation.

**(d) Confidentiality of information.**

- (1) Information obtained about research participants during the course of an investigation is confidential.
- (2) When the possibility exists that others may obtain access to such information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, be explained to participants as a part of the procedure for obtaining informed consent.
- (3) See 17 CAR § 390-201(e).

**(e) Persons incapable of giving informed consent.** When a person is incapable of giving informed consent, counselors:

- (1) Provide an appropriate explanation;
- (2) Obtain agreement for participation; and
- (3) Obtain appropriate consent from a legally authorized person.

**(f) Commitments to participants.** Counselors take reasonable measures to honor all commitments to participants.

**(g) Explanations after data collection.**

- (1) After data is collected, counselors provide participants with full clarification of the nature of the study to remove any misconceptions.



(2) Where scientific or human values justify delaying or withholding information, counselors take reasonable measures to avoid causing harm.

(h) **Agreements to cooperate.** Counselors who agree to cooperate with another individual in research or publication incur an obligation to cooperate as promised in terms of punctuality of performance and with regard to the completeness and accuracy of the information required.

(i) **Informed consent for sponsors.**

(1) In the pursuit of research, counselors give sponsors, institutions, and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants.

(2) Counselors are aware of their obligation to future research workers and ensure that host institutions are given feedback information and proper acknowledgement.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-703. Reporting results.**

(a) **Information affecting outcome.** When reporting research results, counselors explicitly mention all variables and conditions known to the investigator that may have affected the outcome of a study or the interpretation of data.

(b) **Accurate results.**

(1) Counselors plan, conduct, and report research accurately and in a manner that minimizes the possibility that results will be misleading.

(2) They provide thorough discussions of the limitations of their data and alternative hypotheses.

(3) Counselors do not:

- (A) Engage in fraudulent research;
- (B) Distort data;
- (C) Misrepresent data; or
- (D) Deliberately bias their results.

(c) **Obligations to report unfavorable results.**

(1) Counselors communicate to other counselors the results of any research judged to be of professional value.

(2) Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests are not withheld.

(d) **Identity of subjects.**

(1) Counselors who supply data, aid in the research of another person, report research results, or make original data available take due care to disguise the identity of respective subjects in the absence of specific authorization from the subjects to do otherwise.

(2) See 17 CAR § 390-201(g) and 17 CAR § 390-205(a).

(e) **Replication studies.** Counselors are obligated to make available sufficient original research data to qualified professionals who may wish to replicate the study.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-704. Publication.**

(a) **Recognition of others.**

(1) When conducting and reporting research, counselors:

- (A) Are familiar with and give recognition to previous work on the topic;
- (B) Observe copyright laws; and

(C) Give full credit to those to whom credit is due.

(2) See 17 CAR § 390-601(d) and 17 CAR § 390-704(c).

**(b) Contributors.**

(1) Counselors give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions.

(2) The principal contributor is listed first, and minor technical or professional contributions are acknowledged in notes or introductory statements.

**(c) Student research.**

(1) For an article that is substantially based on a student's dissertation or thesis, the student is listed as the principal author.

(2) See 17 CAR § 390-601(d) and 17 CAR § 390-704(a).

**(d) Duplicate submission.**

(1) Counselors submit manuscripts for consideration to only one (1) journal at a time.

(2) Manuscripts that are published in whole or in substantial part in another journal or published work are not submitted for publication without acknowledgment and permission from the previous publication.

**(e) Professional review.** Counselors who review material submitted for publication, research, or other scholarly purposes respect the confidentiality and proprietary rights of those who submitted it.

**Authority.** Arkansas Code § 17-27-406.

## **Subpart 8. Resolving Ethical Issues**

### **17 CAR § 390-801. Knowledge of standards.**

(a) Counselors are familiar with this part and the Standards of Practice, 17 CAR pt. 391, and other applicable ethics codes from other professional organizations of which they are members or from certification and licensure bodies.

(b) Lack of knowledge or misunderstanding of an ethical responsibility is not a defense against a charge of unethical conduct.

(c) See 17 CAR § 390-603(e).

**Authority.** Arkansas Code § 17-27-406.

### **17 CAR § 390-802. Suspected violations.**

**(a) Ethical behavior expected.**

(1) Counselors expect professional associates to adhere to this part.

(2) When counselors possess reasonable cause that raises doubts as to whether a counselor is acting in an ethical manner, they take appropriate action.

(3) See 17 CAR § 390-802(d) and 17 CAR § 390-802(e).

**(b) Consultation.** When uncertain as to whether a particular situation or course of action may be in violation of this part, counselors consult with:

(1) Other counselors who are knowledgeable about ethics;

(2) Colleagues; or

(3) Appropriate authorities.

**(c) Organization conflicts.**

(1) If the demands of an organization with which counselors are affiliated pose a conflict with this part, counselors specify the nature of such conflicts and express to their supervisors or other responsible officials their commitment to this part.

(2) When possible, counselors work to change within the organization to allow full adherence to this part.

(d) **Informal resolution.** When counselors have reasonable cause to believe that another counselor is violating an ethical standard, they attempt to first resolve the issue informally with the other counselor, if feasible, providing that such action does not violate confidentiality rights that may be involved.

(e) **Reporting suspected violations.** When an informal resolution is not appropriate or feasible, counselors, upon reasonable cause, take action, such as reporting the suspected violation to state or national ethics committees, unless this action conflicts with confidentiality rights that cannot be resolved.

(f) **Unwarranted complaints.** Counselors do not initiate, participate in, or encourage the filing of ethics complaints that are unwarranted or intend to harm a counselor rather than to protect the public.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-803. Cooperation with ethics committees.**

(a) Counselors assist in the process of enforcing this part.

(b) Counselors cooperate with investigations, proceedings, and requirements of the:

(1) Ethics Committee of the State Board of Examiners of Alcoholism and Drug Abuse Counselors; or

(2) Ethics committees of other duly constituted associations or boards having jurisdiction over those charged with a violation.

(c) Counselors are familiar with the State Board of Examiners of Alcoholism and Drug Abuse Counselors' policies and procedures and use them as a reference in assisting the enforcement of this part.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 390-804. Ethical violations.**

(a) **Self report.**

(1) As a condition of adherence to the process of enforcing this part, any counselor charged with a violation by a board of professional associates shall report such actions to the Ethics Committee of the State Board of Examiners of Alcoholism and Drug Abuse Counselors within thirty (30) days of said charges.

(2) See 17 CAR § 390-803.

(b) **Discovery of charges and/or sanctions.**

(1) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may initiate a request for the status of any ethical charge brought against a licensee by any other licensing jurisdiction or board and monitor the findings for disposition.

(2) See 17 CAR § 390-801 and 17 CAR § 390-603(e).

**Authority.** Arkansas Code § 17-27-406.