

# ARKANSAS BOARD OF EXAMINERS IN COUNSELING

## Enabling Laws

Act 281 of 2014  
A.C.A. §17-27-101

## History and Organization

The Arkansas Board of Examiners in Counseling regulates the title and practice of Counselors and Marriage and Family Therapists in the State of Arkansas. The Board examines the credentials of those who hold the license. The Board monitors and records the supervision of each new license until the license holder has completed the mandated three thousand hours (about 3 years) of supervised practice. The Board conducts investigations into violations of statutes, rules and regulations based on complaints, practice without license, and/or information received by the Board administrative office. If the complaints are valid and have sufficient merit, administrative hearings are held to resolve the issue, suspend or revoke the license if necessary.

The mission is to protect the public and to ensure quality of counseling services being provided to the citizens of Arkansas. The staff is responsible for the operation of the Board, for carrying out the policies of the Board, and making detailed reports and recommendations to the Board each month.

The General Assembly of the State of Arkansas approved Act 593 of 1979 (A.C.A. §17-27-101) in the Regular Session, 1979. The General Assembly approved Act 244 of 1997 to amend A.C.A. §17-27-101 through 104 and approved Act 1317 of 1997 to amend A.C.A. §17-1-103 in the Regular Session, 1997. The Acts provided for the regulation of the practice and the use of the titles of Counseling, Marriage and Family Therapy, and the Specialization Licenses created by the Board of Examiners in Counseling, prescribed the powers and duties of the Board, and provided for the examination and licensure of Counselors and Marriage and Family Therapists, and provided for the examination and licensure of those with specialized training in the field of Counseling and Marriage and Family Therapy.

The Board of Examiners in Counseling, composed of seven members, was appointed by the Governor sixty days after July 1, 1997, in the manner and for the terms of office provided in Act 593 of 1979. A retired citizen board member was appointed in the fall of 1984 and a Marriage and Family Therapist was appointed in the fall of 1997 bringing the Board's membership to a total of nine (9) members. The Board meets once each month.

Disciplinary hearings, held before the Board, are pursuant to the Arkansas Administrative Procedures Act and are arranged with the counsel of the Arkansas Attorney General's Office.



### **Agency Commentary**

The Board of Examiners in Counseling is established under A.C.A. § 17-27-201 and consists of nine (9) members appointed by the Governor. The Board is authorized to adopt rules, regulations and procedures to carry out the duties authorized; is required to adopt the current Code of

Ethics of the American Counseling Association and any revisions or additions deemed appropriate by the Board to govern appropriate practice or behavior relative to counseling services; is required to adopt the current Code of Ethics of the American Association of Marriage and Family Therapy to govern licensed marriage and family therapists and licensed associate marriage and family therapists; and is required to charge an application fee determined by the Board. Additionally, the Board is authorized to accept grants from foundations and institutions to carry out its functions and hire assistants as are necessary to perform its activities. The Board has purview over Professional Counselors, Associate Counselors, Marriage and Family Therapists and Associate Marriage and Family Therapists and all those licensees who carry Specialization credentials relative to counseling (Supervision, Technology Assisted, Drug & Alcohol, etc.). The Board processes its operations and payroll through the State Treasury. Fees are collected from applications, initial licensure and biannual renewal of licenses.

The Arkansas Board of Examiners in Counseling protects the public of Arkansas and ensures the quality of Counseling and Marriage and Family Therapy practitioners providing mental health services to the citizens of Arkansas through regulation of title and practice of the persons licensed by the Board, A.C.A. §17-27-101 et seq. The Board currently monitors over 2000 licensed practitioners in the state and this number increases annually. Licensure renewals occur every two years and the renewal periods are staggered, meaning one-half of current licensees renew in June of every year. The Board receives over 200 new applications each year; 75% or more will sit for interviews with the Board and receive their LAC with the required 3000 hours of supervised practice. There are more than 2400 renewals and the Board is approaching 1000 Associate counselors in Supervision. Thus, the workload is expanding rapidly.

In addition to Base Level, the Board requests the following for the 2015 -2017 Biennium:

The Board requests an additional \$55,622 each year for Regular Salaries and Personal Service Matching to do the following: reclassification of both the Administrative Specialist II C109 to Fiscal Support Analyst C115 & the Administrative Specialist I C106 to Administrative Review Analyst C115 and an additional professional help full-time to work exclusively with Supervision documentation (Administrative Specialist III at C112). The individual currently in this position has a BA degree in Finance, is working toward an Accountancy degree and is an exceptionally qualified individual that exceeds the qualifications established for the current classification. The current employee holds a graduate degree (MEd) and greatly exceeds minimum qualifications, has exceptional skills, knowledge and competencies related to this office and profession having been previously employed at this Board. We now have over 700 LACs / LAMFTs engaged in mandatory supervision for 3000 clock hours and the review of data and record keeping has exceeded our current ability to maintain timeliness in responding to supervisees regarding phase changes in their supervision process. This additional person must have experience as a practicing counselor with the supervision specialization, preferably retired or non-practicing.

The Board requests an additional \$4,306 each year for Extra Help and Personal Services Matching because of increases in applications, Licensed Associate Counselors (LAC) supervision reporting requires scanning for electronic conversion, entering data into e-files and sundry additional clerical assignments related to annual renewals, immediately before, during and after the annual renewal period between March 1 and August 30 of each year.

The Board requests \$8,439 for FY16 and \$ 10,545 for FY17 for Operating Expenses because of increased costs in telephone services, creating and maintaining a professional Listserv with all credentialed counselors, website service & maintenance, a 3% Arkansas Building Authority rent increase and increases in various expenses to Board members such as postage, food, lodging, and travel.

The Board also requests an additional \$4,500 each year for Conference/Travel to allow the Board to send two voting delegates to one regulatory meeting of Marriage and Family Therapists (AAMFT) and one meeting for the American Counseling Association (ACA). Participation in the conferences is necessary to continue using the national tests and for more competent management of licenses with reference to portability and to the use of national ethics in regulating the practice of mental health professionals licensed by this Board. Additionally, the Board is a member of the American Association of State Counseling Boards (AASCB) and attends a national conference every January to meet with peers for the exchange of ideas, function, roles and processes.

The Board requests an additional \$5,500 each year in Professional Fees to cover an increase in legal fees and the hiring of an investigator when a complaint is filed against a practitioner.

The Board requests to eliminate the Testing Fee line item because it is not used.

The Board's requested increases are essential for the efficient operation of the Agency to competently regulate the title and practice for the mandated regulatory functions of the Agency. The appropriation for the requested increases is available and unencumbered. Appropriations for the Agency are supported from fees collected by the Agency from licensure applications, renewals and specializations. Please note that the Board is not requesting any increase in licensure fees for the 2015 - 2017 Biennium. A.C.A. §17-27-313 requires that each first-time applicant for a license issued by the Arkansas Board of Examiners in Counseling apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Federal Bureau of Investigation. This appropriation authorizes expenditures for all operations of the Board to include the administration of examinations and licensure. No state funds are used for the operation of the Agency.

## **Audit Findings**

DIVISION OF LEGISLATIVE AUDIT  
AUDIT OF :  
ARKANSAS BOARD OF EXAMINERS IN COUNSELING  
FOR THE YEAR ENDED JUNE 30, 2013

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Findings

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Recommendations

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Rule 2 of the State of Arkansas Travel Regulations states that "employees may be paid

Consult with the DFA Chief Fiscal Officer when designating a location other than the

DIVISION OF LEGISLATIVE AUDIT  
AUDIT OF :  
ARKANSAS BOARD OF EXAMINERS IN COUNSELING  
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Findings

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travel expenses when required to travel away from their 'official station' on state business." The regulations define an employee's "official station" as the "geographic location or address where the employee normally reports for duty and/or spends the majority of his/her productive time and must be designated as such in writing by the employer."

The regulations further state that "private vehicle mileage shall be reimbursed and computed between the employee's official station or residence, if leaving directly from the residence, whichever is less."

On December 7, 2012, the Board voted to hire an Interim Executive Director for six months or until the position was filled and to study moving the Agency office from Magnolia to central Arkansas. The Board also voted to designate the Interim Director's residence in Sherwood as his official station and to pay the Interim Director's expenses for travel between his official station and Magnolia.

The Interim Director's employment became effective January 2, 2013. On May 10, 2013, the Board approved a motion for the Interim Director to become the Executive Director effective June 1, 2013, with his official station continuing to be his residence in Sherwood. On October 1, 2013, the Board relocated the Agency office from Magnolia to Little Rock and designated Little Rock as the Director's official station.

A time and activity log provided to DLA staff by the Director and the Director's Travel Reimbursement Forms (TR-1) for January 1, 2013 through July 26, 2013, indicated that his time at work was divided evenly between Magnolia and Sherwood/Little Rock. During this period, the Director spent 135 hours (11% of his work hours) traveling between Sherwood and Magnolia. The Director was reimbursed \$6,838 for mileage, lodging, and meals related to travel between his official station in Sherwood and the Agency office in Magnolia in fiscal years 2013 and 2014.

Because the Director could only complete his primary job duties, supervising employees and reviewing licensee application materials, in the Magnolia office, the Board could not adequately justify its decision to designate Sherwood as the Director's official station.

Recommendations

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Agency office as an employee's official station.

Agency Response:

New Board policy will be to confer with DFA Chief Fiscal Officer prior to reassignment of Board office location.

DIVISION OF LEGISLATIVE AUDIT  
 AUDIT OF :  
 ARKANSAS BOARD OF EXAMINERS IN COUNSELING  
 FOR THE YEAR ENDED JUNE 30, 2013

Findings

Rule 11 of the State of Arkansas Travel Regulations requires that "all claims for reimbursements of expenses...be attested to by the claimant and approved by the administrative head of the agency or their designee(s).

The Director both submitted and approved seven TR-1 forms totaling \$6,264 for fiscal years 2013 and 2014.

Recommendations

The Board designate a Board member to review and approve the Director's travel reimbursements.

Agency Response:

Board policy from this point forward will be for the Director to submit TR-1's to the Board for review, to be signed by either the Board Chair or Board Secretary.

**State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2014**

None

**Employment Summary**

	Male	Female	Total	%
White Employees	1	2	3	100 %
Black Employees	0	0	0	0 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			0	0 %
Total Employees			3	100 %

## Publications

### A.C.A. 25-1-201 et seq.

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution	Unbound Black & White Copies Produced During the Last Two Years	Cost of Unbound Copies Produced During the Last Two Years
		Governor	General Assembly				
None	N/A	N	N	0	N/A	0	0.00

## Agency Position Usage Report

FY2012 - 2013						FY2013 - 2014						FY2014 - 2015					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	Total		
3	3	0	3	0	0.00 %	3	3	0	3	0	0.00 %	3	3	0	3	0	0.00 %

## **Analysis of Budget Request**

**Appropriation:** 1GE - Counseling Operations

**Funding Sources:** NEC - Cash in Treasury

The Board of Examiners in Counseling is established under A.C.A. § 17-27-201 and consists of eight (8) members appointed by the Governor. The Board is authorized to adopt rules, regulations and procedures to carry out the duties authorized; is required to adopt the Code of Ethics of the American Counseling Association and any revisions or additions deemed appropriate by the Board to govern appropriate practice or behavior relative to counseling services; is required to adopt the Code of Ethics of the American Association of Marriage and Family Therapy to govern licensed marriage and family therapists and licensed associate marriage and family therapists; and is required to charge an application fee determined by the Board. Additionally, the Board is authorized to accept grants from foundations and institutions to carry out its functions and hire assistants as are necessary to perform its activities. The Board has purview over Professional Counselors, Associate Counselors, Marriage and Family Therapists and Associate Marriage and Family Therapists. A.C.A. §17-27-313 requires that each first-time applicant for a license issued by the Arkansas Board of Examiners in Counseling apply to the Identification Bureau of the Department of Arkansas State Police for a state and national criminal background check to be conducted by the Federal Bureau of Investigation. This appropriation authorizes expenditures for all operations of the Board to include the administration of examinations and licensure. The Board processes its operations and payroll through the State Treasury. Fees are collected from initial licensure and biannual renewal of licenses.

Base Level Regular Salaries and Personal Services Matching include continuation of the previously authorized 2015 1% Cost of Living Adjustment and Career Service Payments for eligible employees. Personal Services Matching also includes a \$10 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$420 per month. Base Level salaries and matching do not include appropriation for Merit Pay Increases.

Base Level is \$288,579 in each year of the 2015-2017 Biennium.

The Board's Change Level request of \$78,317 in FY16 and \$80,423 in FY17 reflects the following:

- Regular Salaries and Personal Services Matching increase of \$55,622 in both years for the reclassification of an Administrative Specialist II (C109) and Administrative Specialist I (C106) to Fiscal Support Analyst (C115) and Administrative Review Specialist (C115) and the addition of an Administrative Specialist III (C112).
- Extra Help and Personal Services Matching increase of \$4,306 in both years to provide additional help processing additional licensure applicants.
- Operating Expenses increase of \$8,439 in FY16 and \$10,545 in FY17 to cover increases in rent, utilities, and board member reimbursements.

- Establishment of Conference and Travel of \$4,500 in both years provides the opportunity for the Executive Director to attend conferences and trainings both in and out of state.
- Professional Fees \$5,500 increase in both years to cover costs pertaining to legal fees and investigator costs.
- Testing Fees (\$50) decrease in both years from agency no longer needing appropriation for this line item.

In addition to Base Level, the Executive Recommendation provides for the following:

- Reclassification of an Administrative Specialist II (C109) and an Administrative Specialist I (C106) to a Fiscal Support Specialist (C112) and an Administrative Specialist III (C112).
- \$4,306 both years of the Biennium for Extra Help and Personal Services Matching.
- \$2,939 in FY16 and \$5,045 in FY17 for Operating Expenses.
- \$4,500 both years of the Biennium for Conference and Travel.
- \$5,500 both years of the Biennium for Professional Fees.
- \$50 decrease both years of the Biennium for Testing Fees.

Expenditure of appropriation is contingent upon available funding.

## Appropriation Summary

**Appropriation:** 1GE - Counseling Operations

**Funding Sources:** NEC - Cash in Treasury

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2013-2014 Actual	2014-2015 Budget	2014-2015 Authorized	2015-2016			2016-2017		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	127,632	114,647	120,536	115,793	156,490	123,256	115,793	156,490	123,256
<b>#Positions</b>		<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>4</b>	<b>3</b>
Extra Help	5010001	11,323	16,488	16,488	16,488	20,488	20,488	16,488	20,488	20,488
<b>#Extra Help</b>		<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
Personal Services Matching	5010003	40,661	47,048	45,780	48,210	63,441	59,720	48,210	63,441	59,720
Overtime	5010006	427	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Operating Expenses	5020002	77,718	84,062	84,062	84,062	92,501	87,001	84,062	94,607	89,107
Conference & Travel Expenses	5050009	0	0	0	0	4,500	4,500	0	4,500	4,500
Professional Fees	5060010	2,078	8,976	8,976	8,976	14,476	14,476	8,976	14,476	14,476
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Testing Fees	5900046	0	50	50	50	0	0	50	0	0
<b>Total</b>		<b>259,839</b>	<b>286,271</b>	<b>290,892</b>	<b>288,579</b>	<b>366,896</b>	<b>324,441</b>	<b>288,579</b>	<b>369,002</b>	<b>326,547</b>
<b>Funding Sources</b>										
Fund Balance	4000005	536,693	669,441		750,276	750,276	750,276	828,803	750,486	792,941
Cash Fund	4000045	392,587	367,106		367,106	367,106	367,106	367,106	367,106	367,106
<b>Total Funding</b>		<b>929,280</b>	<b>1,036,547</b>		<b>1,117,382</b>	<b>1,117,382</b>	<b>1,117,382</b>	<b>1,195,909</b>	<b>1,117,592</b>	<b>1,160,047</b>
Excess Appropriation/(Funding)		(669,441)	(750,276)		(828,803)	(750,486)	(792,941)	(907,330)	(748,590)	(833,500)
<b>Grand Total</b>		<b>259,839</b>	<b>286,271</b>		<b>288,579</b>	<b>366,896</b>	<b>324,441</b>	<b>288,579</b>	<b>369,002</b>	<b>326,547</b>

FY15 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2013-2015 Biennium.

## Change Level by Appropriation

**Appropriation:** 1GE - Counseling Operations  
**Funding Sources:** NEC - Cash in Treasury

### Agency Request

Change Level		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>288,579</b>	<b>3</b>	<b>288,579</b>	<b>100.0</b>	<b>288,579</b>	<b>3</b>	<b>288,579</b>	<b>100.0</b>
C01	Existing Program	39,176	0	327,755	113.6	41,119	0	329,698	114.2
C02	New Program	36,404	1	364,159	126.2	36,404	1	366,102	126.9
C03	Discontinue Program	(16,413)	0	347,746	120.5	(16,250)	0	349,852	121.2
C10	Reclass	19,150	0	366,896	127.1	19,150	0	369,002	127.9

### Executive Recommendation

Change Level		2015-2016	Pos	Cumulative	% of BL	2016-2017	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>288,579</b>	<b>3</b>	<b>288,579</b>	<b>100.0</b>	<b>288,579</b>	<b>3</b>	<b>288,579</b>	<b>100.0</b>
C01	Existing Program	33,676	0	322,255	111.7	35,619	0	324,198	112.3
C02	New Program	11,136	0	333,391	115.5	11,136	0	335,334	116.2
C03	Discontinue Program	(16,413)	0	316,978	109.8	(16,250)	0	319,084	110.6
C10	Reclass	7,463	0	324,441	112.4	7,463	0	326,547	113.2

### Justification

C01	A rise in utility items such as rent and telecommunication costs and the increase of attendance of board members at meetings and conferences.
C02	Addition of one staff position, an Administrative Analyst III, to help with the Board's increase in workload volume.
C03	Decrease of items such as mileage, lodging, and meals in Operating Expenses to allow for that appropriation to be allocated towards the travel expenses of the Executive Director.
C10	Reclassification of two positions aligning with current job responsibilities and duties.