

ARKANSAS BOARD OF EXAMINERS IN COUNSELING

Enabling Laws

Act 135 of 2016
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 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 2977 licensed practitioners in the state and this number has increased annually the past several years. 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.

The Board currently has an Executive Director and three full-time office staff. The Board is requesting the restoration of a position that was approved and received through the OPM pool.

Increase requested in Operating Expenses for Telephone services, annual fees paid for website service & maintenance, postage, and gasoline expense to Board members; lodging and food prices have increased and the requested increases in these areas are to meet current costs and anticipated market prices in 2017 - 2019. Rent is projected to increase by 20% by 2019 as we have moved to a new location with much needed space. A decrease in Conference and Travel and Professional Fees to more accurately reflect expenditures. Also, we're requesting an additional funding line for grants to support Associations in their efforts to improve, enhance, or embellish the clinical competencies of the mental health practitioners in Arkansas in order to better serve our public.

There is a need for additional appropriation for Conventions for the Board to send two voting delegates to one regulatory meeting of Marriage and Family Therapists (AAMFT), one meeting for the American Counseling Association (ACA) and the Association for Counselor Education & Supervision (ACES). Participation in the conferences is necessary to continue using the national tests and for more competent management of licenses with reference to licensure by endorsement 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 requested increases are minimal for the operation of the Board to competently regulate the title and practice for the mandated regulatory functions of the Board. Funds for the requested increases are available and unencumbered. Funding for this Board is supported from fees collected by the Board from licensure application, renewals and specializations. No state funds are appropriated for the operation of the Board.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS BOARD OF EXAMINERS IN COUNSELING
FOR THE YEAR ENDED JUNE 30, 2015

Findings

Recommendations

None

None

State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2016

None

Employment Summary

	Male	Female	Total	%
White Employees	1	2	3	75 %
Black Employees	0	1	1	25 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			1	25 %
Total Employees			4	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				
Minutes	A.C.A. §17-27-201	N	N	16	Distribution to Board	0	0.00

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				
Mission Statement	A.C.A. §17-27-201	N	N	4	Statutory for Public Use	0	0.00
Publication	A.C.A. §17-27-201	N	N	1	Members & Legislative Council Library	0	0.00

Agency Position Usage Report

FY2014 - 2015						FY2015 - 2016						FY2016 - 2017					
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	4	0	4	-1	-33.33 %	3	4	0	4	-1	-33.33 %

Total Budgeted positions exceed Authorized amount in FY16 and FY17 due to position authorized from the Central Growth Pool.

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 the continuation of the previously authorized 2017 Salaries and Career Service Payments for eligible employees. Personal Services Matching includes 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 a Cost of Living Adjustment or Merit Pay Increases.

Base Level is \$328,199 in each year of the 2017-2019 Biennium.

The Board's Change Level request of \$93,532 each year of the biennium reflects the following:

- Regular Salaries and Personal Services Matching increase of \$37,115 each year in coordination with the restoration of an OPM pool position. This position provides additional support for the Board's operations.
- Operating Expenses increase of \$25,393 each year for utilities, website service and maintenance, postage, gasoline expense to Board members, lodging and food prices, rent, and costs of sending two voting Board members to conferences.
- Conference and Travel decrease of (\$500) each year to more accurately reflect expenditures.
- Professional Fees decrease of (\$3,476) each year to more accurately reflect expenditures.
- Establishment of Grants and Aid appropriation of \$35,000 to support associations in their efforts to improve or enhance the clinical competencies of the mental health practitioners in Arkansas in order to better serve the public.

The Technology related requests are documented in the Agency's Information Technology (IT) Plan (pages 9 and 11).

The Executive Recommendation provides for the Agency Request, with the exception of the Grants & Aid request. 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		
		2015-2016 Actual	2016-2017 Budget	2016-2017 Authorized	2017-2018			2018-2019		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	166,534	129,966	123,256	130,066	155,587	155,587	130,066	155,587	155,587
#Positions		4	3	3	3	4	4	3	4	4
Extra Help	5010001	5,153	20,488	20,488	20,488	20,488	20,488	20,488	20,488	20,488
#Extra Help		1	2	2	2	2	2	2	2	2
Personal Services Matching	5010003	53,159	53,761	59,720	54,562	66,156	66,156	54,562	66,156	66,156
Overtime	5010006	1,957	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Operating Expenses	5020002	141,949	89,107	89,107	89,107	114,500	114,500	89,107	114,500	114,500
Conference & Travel Expenses	5050009	1,844	4,500	4,500	4,500	4,000	4,000	4,500	4,000	4,000
Professional Fees	5060010	5,916	14,476	14,476	14,476	11,000	11,000	14,476	11,000	11,000
Data Processing	5090012	0	0	0	0	0	0	0	0	0
Grants and Aid	5100004	0	0	0	0	35,000	0	0	35,000	0
Capital Outlay	5120011	0	0	0	0	0	0	0	0	0
Total		376,512	327,298	326,547	328,199	421,731	386,731	328,199	421,731	386,731
Funding Sources										
Fund Balance	4000005	768,752	809,978		801,430	801,430	801,430	791,981	698,449	733,449
Cash Fund	4000045	417,738	318,750		318,750	318,750	318,750	318,750	318,750	318,750
Total Funding		1,186,490	1,128,728		1,120,180	1,120,180	1,120,180	1,110,731	1,017,199	1,052,199
Excess Appropriation/(Funding)		(809,978)	(801,430)		(791,981)	(698,449)	(733,449)	(782,532)	(595,468)	(665,468)
Grand Total		376,512	327,298		328,199	421,731	386,731	328,199	421,731	386,731

FY17 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2015-2017 Biennium.

Change Level by Appropriation

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

Agency Request

Change Level		2017-2018	Pos	Cumulative	% of BL	2018-2019	Pos	Cumulative	% of BL
BL	Base Level	328,199	3	328,199	100.0	328,199	3	328,199	100.0
C01	Existing Program	23,447	0	351,646	107.1	23,447	0	351,646	107.1
C02	New Program	35,000	0	386,646	117.8	35,000	0	386,646	117.8
C03	Discontinue Program	(4,930)	0	381,716	116.3	(4,930)	0	381,716	116.3
C06	Restore Position/Approp	37,115	1	418,831	127.6	37,115	1	418,831	127.6
C08	Technology	2,900	0	421,731	128.5	2,900	0	421,731	128.5

Executive Recommendation

Change Level		2017-2018	Pos	Cumulative	% of BL	2018-2019	Pos	Cumulative	% of BL
BL	Base Level	328,199	3	328,199	100.0	328,199	3	328,199	100.0
C01	Existing Program	23,447	0	351,646	107.1	23,447	0	351,646	107.1
C02	New Program	0	0	351,646	107.1	0	0	351,646	107.1
C03	Discontinue Program	(4,930)	0	346,716	105.6	(4,930)	0	346,716	105.6
C06	Restore Position/Approp	37,115	1	383,831	117.0	37,115	1	383,831	117.0
C08	Technology	2,900	0	386,731	117.8	2,900	0	386,731	117.8

Justification

C01	Increase requested in Operating Expenses for telephone services, postage and gasoline expense to Board members, lodging and food prices, and rent. The Board is also requesting an increase in appropriation for conventions for the Board to send two voting delegates to conferences.
C02	The Board is requesting additional appropriation for grants to support associations in their efforts to improve, enhance, or embellish the clinical competencies of the mental health practitioners in Arkansas in order to better serve the public.
C03	The Board is requesting a decrease in Conference and Travel and Professional Fees to more accurately reflect expenditures.
C06	The Board is requesting the restoration of a position that was approved and received through the OPM pool.
C08	The Board is requesting an increase in Miscellaneous Technical Services within Operating Expenses for website service and maintenance.