

ARKANSAS BOARD OF EXAMINERS IN COUNSELING

Enabling Laws

Act 120 of 2010
A.C.A. §17-27-101

History and Organization

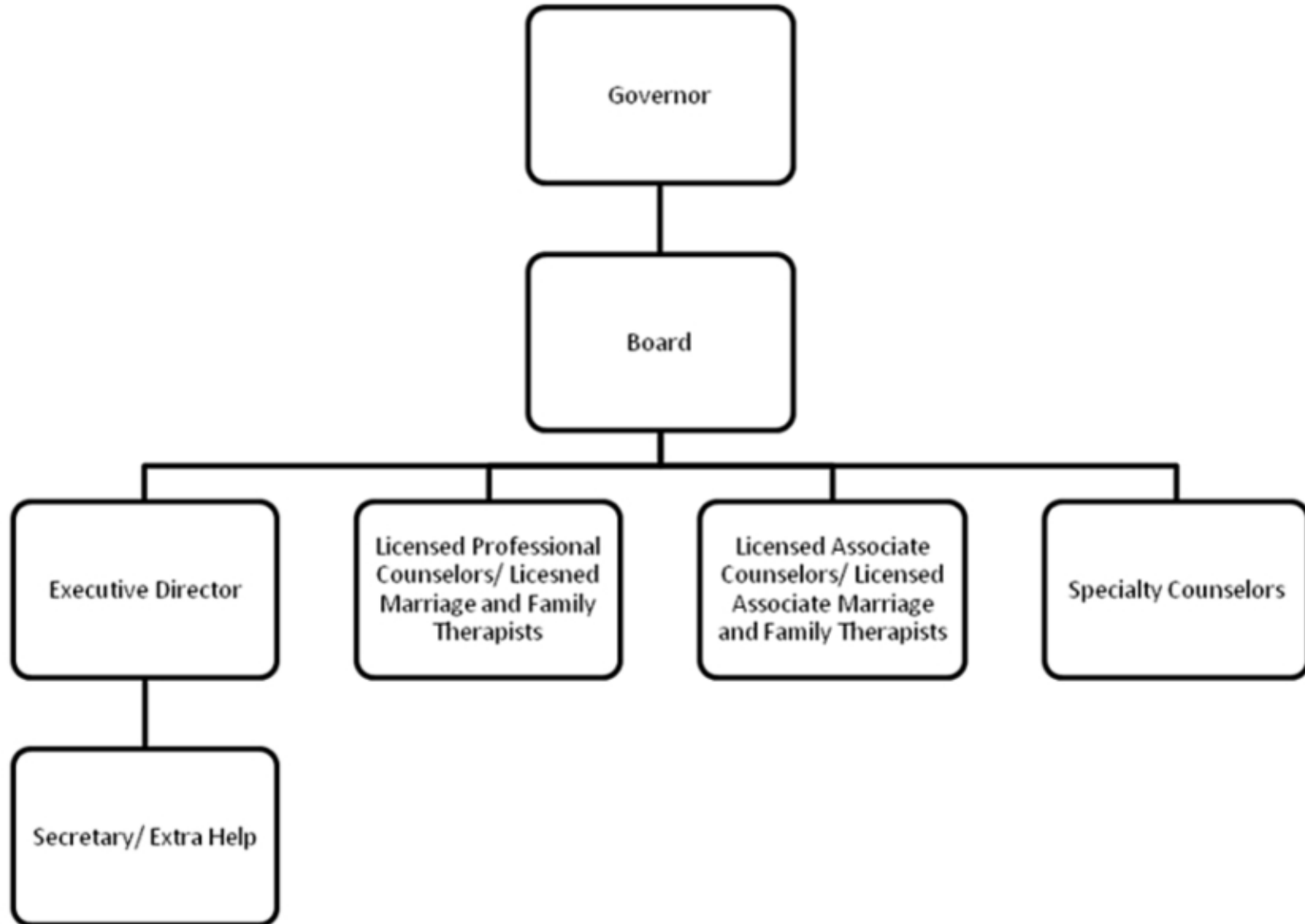
The Arkansas Board of Examiners in Counseling regulates the title and practice of Counselors and Marriage and Family Therapists in the State of Arkansas. The Board examines the credentials for each applicant prior to granting an Arkansas license. Specialization licenses are issued based on the generic license being in good standing. National standards must be met prior to such issue; the Board examines training and qualifications to ensure standards are met. The Board monitors and records the supervision of each new licensee until the license holder has completed the mandated three (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, formal investigations are conducted under the direction of the Attorney General's staff. If deemed necessary at the conclusion of the investigation, administrative hearings are held to resolve the issue by dismissal of the complaint, probation, suspension or revocation of the license.

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 monthly detailed reports and recommendations to the Board.

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, first was composed of seven (7) members, 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 current membership to a total of nine (9) members.

The Board meets regularly the second weekend of each month and if necessitated by Administrative Hearings scheduled for additional days.



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 services being provided 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 requests additional appropriation in Regular Salaries to facilitate the reclassification of the Executive Director from Career Plan C123 to Professional N901. This reclassification is necessary in order to maintain appropriate compensation for the Executive Director of the Examiners in Counseling Board and to meet required qualifications, such as a Ph.D., in job description.

Increases to Base Level Extra Help Expenses are requested to offset the increasing workload of the two investigators, who are paid by the hour as needed, for investigations into complaints as recommended by the Attorney General's staff. The number of investigations has increased as citizens are more aware of required professional ethics and the existence of a regulatory Board.

The request of a new line item for Overtime is to compensate staff for arranging, attending and maintaining Board meetings held on weekends. The current use of compensatory time creates a hardship for the effective management of the Board, due to the small size of the staff.

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. 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

Findings

A separate report for this Agency was not issued. However, financial activity for the Agency was included in the audit of the State's CAFR for the year ended June 30, 2009.

Recommendations

Employment Summary

| | Male | Female | Total | % |
|-------------------------|------|--------|-------|-------|
| White Employees | 0 | 3 | 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. 25-1-204

| Name | Statutory Authorization | Required for | | # of Copies | Reason(s) for Continued Publication and Distribution |
|-------------------|-------------------------|--------------|------------------|-------------|--|
| | | Governor | General Assembly | | |
| Minutes | A.C.A. §17-27-201 | N | N | 16 | Distribution to Board |
| Mission Statement | A.C.A. §17-27-201 | N | N | 4 | Statutory for Public Use |
| Publication | A.C.A. §17-27-201 | N | N | 1 | Members & Legislative Council Library |

Agency Position Usage Report

| FY2008 - 2009 | | | | | | FY2009 - 2010 | | | | | | FY2010 - 2011 | | | | | |
|-------------------|----------|----------|-------|------------------|------------------------|-------------------|----------|----------|-------|------------------|------------------------|-------------------|----------|----------|-------|------------------|------------------------|
| 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 salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. Base Level is \$221,962 in each year of the 2011-2013 biennium.

The Agency requests an additional \$21,739 each year in Regular Salaries and Personal Services Matching to upgrade the Executive Director's position from C123 to N901. Additional Extra Help and Personal Services Matching in the amount of \$4,306 each year of the biennium is requested to compensate two investigators for necessary additional hours required to investigate claims. A new Overtime appropriation and associated Personal Services Matching of \$18,029 is requested in order to pay staff for mandatory time associated with monthly board meetings and seasonal license renewal period.

The Executive Recommendation provides for the Agency 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 | | |
|--------------------------------------|---------------------|---------------------|-------------------------|---|----------------|----------------|---|----------------|----------------|
| | 2009-2010 Actual | 2010-2011 Budget | 2010-2011 Authorized | 2011-2012 | | | 2012-2013 | | |
| | | | | Base Level | Agency | Executive | Base Level | Agency | Executive |
| Regular Salaries 5010000 | 98,607 | 94,926 | 97,727 | 92,826 | 110,917 | 110,917 | 92,826 | 110,917 | 110,917 |
| #Positions | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Extra Help 5010001 | 997 | 5,000 | 5,000 | 5,000 | 9,000 | 9,000 | 5,000 | 9,000 | 9,000 |
| #Extra Help | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Personal Services Matching 5010003 | 32,050 | 33,512 | 33,981 | 33,148 | 40,131 | 40,131 | 33,148 | 40,131 | 40,131 |
| Overtime 5010006 | 0 | 0 | 0 | 0 | 15,000 | 15,000 | 0 | 15,000 | 15,000 |
| Operating Expenses 5020002 | 72,475 | 81,962 | 81,962 | 81,962 | 81,962 | 81,962 | 81,962 | 81,962 | 81,962 |
| Conference & Travel Expenses 5050009 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Professional Fees 5060010 | 5,767 | 8,976 | 8,976 | 8,976 | 8,976 | 8,976 | 8,976 | 8,976 | 8,976 |
| 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 | 50 | 50 | 50 | 50 | 50 |
| Total | 209,896 | 224,426 | 227,696 | 221,962 | 266,036 | 266,036 | 221,962 | 266,036 | 266,036 |
| Funding Sources | | | | | | | | | |
| Fund Balance 4000005 | 357,365 | 454,270 | | 502,094 | 502,094 | 502,094 | 508,308 | 508,308 | 508,308 |
| Cash Fund 4000045 | 306,801 | 272,250 | | 228,176 | 272,250 | 272,250 | 228,176 | 272,250 | 272,250 |
| Total Funding | 664,166 | 726,520 | | 730,270 | 774,344 | 774,344 | 736,484 | 780,558 | 780,558 |
| Excess Appropriation/(Funding) | (454,270) | (502,094) | | (508,308) | (508,308) | (508,308) | (514,522) | (514,522) | (514,522) |
| Grand Total | 209,896 | 224,426 | | 221,962 | 266,036 | 266,036 | 221,962 | 266,036 | 266,036 |

Change Level by Appropriation

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

Agency Request

| Change Level | | 2011-2012 | Pos | Cumulative | % of BL | 2012-2013 | Pos | Cumulative | % of BL |
|--------------|-------------------|----------------|----------|----------------|--------------|----------------|----------|----------------|--------------|
| BL | Base Level | 221,962 | 3 | 221,962 | 100.0 | 221,962 | 3 | 221,962 | 100.0 |
| C01 | Existing Program | 22,335 | 0 | 244,297 | 110.1 | 22,335 | 0 | 244,297 | 110.1 |
| C11 | Upgrade/Downgrade | 21,739 | 0 | 266,036 | 119.9 | 21,739 | 0 | 266,036 | 119.9 |

Executive Recommendation

| Change Level | | 2011-2012 | Pos | Cumulative | % of BL | 2012-2013 | Pos | Cumulative | % of BL |
|--------------|-------------------|----------------|----------|----------------|--------------|----------------|----------|----------------|--------------|
| BL | Base Level | 221,962 | 3 | 221,962 | 100.0 | 221,962 | 3 | 221,962 | 100.0 |
| C01 | Existing Program | 22,335 | 0 | 244,297 | 110.1 | 22,335 | 0 | 244,297 | 110.1 |
| C11 | Upgrade/Downgrade | 21,739 | 0 | 266,036 | 119.9 | 21,739 | 0 | 266,036 | 119.9 |

Justification

| | |
|-----|---|
| C01 | An increase in Extra Help and associated Personal Services Matching of \$4,306 is requested to offset the increasing workload of 2 hourly-paid investigators. A singular complaint required investigation in FY10, but 5 complaints are currently under investigation in FY11. The volume of complaints is projected to continue rising in FY12 and FY13, due to increased public awareness. The requested increase is minimal in order to effectively carry out the mandated regulatory functions of the Board. Overtime and Personal Services Matching of \$18,029 is requested to compensate employees for arranging, attending, and maintaining required monthly board meetings. Compensatory time has proven to make effective office management difficult, due to small staff size. |
| C11 | A reclassification of the Executive Director's position from C123 to N901 is requested to properly compensate and maintain a qualified employee in this position, which requires a Ph.D. degree and licensure, along with several years of experience. |