

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/11/15

A Bill

HOUSE BILL 1293

5 By: Representative Leding
6

For An Act To Be Entitled

8 AN ACT TO AMEND VARIOUS SECTIONS OF THE LAW REGARDING
9 LICENSURE OF SOCIAL WORKERS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND VARIOUS SECTIONS OF THE LAW
12 REGARDING LICENSURE OF SOCIAL WORKERS.
13
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code §§ 17-103-102 – 17-103-105 are amended to
20 read as follows:

21 17-103-102. Purpose.

22 ~~Since the profession of social work significantly affects the lives of~~
23 ~~the people of this state, it is the purpose of this chapter to protect the~~
24 ~~public by setting standards of qualification, training, and experience for~~
25 ~~those who seek to represent themselves to the public as social workers and by~~
26 ~~promoting high standards of professional performance for those engaged in the~~
27 ~~practice of social work~~ (a) The purpose of this chapter is to:

28 (1) Declare the practice of social work a professional practice
29 affecting the public health, safety, and welfare;

30 (2) Subject the practice of social work to effective regulation
31 and control to promote, preserve, and protect the public interest; and

32 (3) Declare a matter of public interest and concern that the
33 practice of social work, as defined in this chapter, merit and receive the
34 confidence of the public and that only qualified persons be permitted to
35 engage in the practice of social work in the State of Arkansas.

36 (b) This chapter shall be liberally construed to carry out these



1 objectives and purposes.

2
3 17-103-103. Definitions.

4 As used in this chapter:

5 (1) ~~"Board" means the Arkansas Social Work Licensing Board; and~~
6 "Licensed certified social worker" means an individual who:

7 (A) Applies social work theory, knowledge, methods,
8 principles, values, and ethics, and the professional use of self to restore
9 or enhance social, psychosocial, or biopsychosocial functioning of
10 individuals, couples, families, groups, and to address needs of organizations
11 and communities;

12 (B) Practices with specialized knowledge and advanced
13 clinical skills in the areas of assessment, diagnosis, and treatment for
14 mental, emotional, and behavioral disorders and conditions;

15 (C) Conducts management, information and referral,
16 mediation, client education, supervision of employees, consultation,
17 research, advocacy, and outcome evaluation;

18 (D) May operate a private practice;

19 (E) May practice macro social work independently; and

20 (F) May engage in the activities included in the practice
21 of a licensed master social worker;

22 (2) "Licensed master social worker" means an individual who:

23 (A) Applies specialized knowledge and advanced practice
24 skills in the areas of assessment, diagnosis, treatment planning,
25 implementation and evaluation, case management, information and referral,
26 mediation, client education, counseling, advocacy, supervision of
27 nonclinical, baccalaureate-level social workers and nonlicensed master's
28 level employees, nonclinical consultation, research, community organization
29 and development, administration of social work policies, programs and
30 activities, and outcome evaluation;

31 (B) Practices social work under supervision within a
32 recognized, organized setting such as a social, medical, or governmental
33 agency;

34 (C)(i) May engage only in supervised practice as set forth
35 in rules established by the Arkansas Social Work Licensing Board;

36 (ii) A licensed master social worker shall not

1 practice privately or independently;

2 (3) "Licensed social worker" means an individual who:

3 (A) Conducts a basic generalist practice that includes
4 assessment, case management, information and referral for counseling,
5 advocacy, nonclinical counseling, supervision and counseling, client
6 education, research, community organization, and the development,
7 implementation, and administration of policies, programs, and activities;

8 (B) Is not qualified to diagnose and treat mental illness
9 nor to provide psychotherapy services;

10 (C) Practices only in organized settings such as social,
11 medical, or governmental agency.

12 (D)(i) Engages only in supervised practice as set forth in
13 the rules established by the board.

14 (ii) A licensed social worker shall not practice privately
15 or independently; and

16 ~~(2)~~(4) "Practice of social work" means a professional service
17 which effects change in social conditions, human behavior, and emotional
18 responses of individuals, couples, families, groups, and organizations.

19 "Social work practice" can only be performed with specialized knowledge and
20 skills related to human development, the potential for human growth, the
21 availability of social resources, and the knowledge of social systems. The
22 disciplined application of social work knowledge and skills includes, but is
23 not restricted to, the following:

24 (A) Counseling with individuals, couples, families, and
25 groups for purposes of assessment and enhancement of the problem-solving and
26 coping capacities of people; and

27 (B) The application of social work knowledge and skills in
28 social planning, administration, and research.

29
30 17-103-104. Exemptions.

31 (a) This chapter ~~shall not be construed to~~ does not prevent members of
32 the clergy, Christian Science practitioners, and licensed professionals such
33 as physicians, nurses, psychologists, counselors, and attorneys from doing
34 work within the standards and ethics of their respective professions,
35 ~~provided that~~ if they do not hold themselves out to the public by any title
36 or description of services as being social workers as defined under this

1 chapter.

2 (b)(1) This chapter ~~shall not be construed to~~ does not limit or
 3 prohibit the employment by a licensed hospital in this state of
 4 persons who perform services commonly within the definition of social work or
 5 of practices performed by social workers, so long as if the services are
 6 performed within the course ~~of~~ and scope of their employment as employees of
 7 the ~~hospitals~~ hospital and only if the person does not represent himself or
 8 herself to the public as a social worker.

9 (2) ~~Nor shall this chapter~~ This chapter does not require
 10 ~~any a~~ regular employee of a licensed hospital in this state to be licensed as
 11 a licensed social worker, a licensed master social worker, or a licensed
 12 certified social worker as a condition of employment by or performance of
 13 services as a social worker while employed in a licensed hospital in this
 14 state.

15 (c) This chapter ~~shall not be construed as limiting~~ does not limit the
 16 activities and services of a graduate or undergraduate student ~~for the~~
 17 ~~practice of social work~~ from an accredited educational institution.

18 (d)(1) This chapter ~~shall not be construed to~~ does not require ~~any a~~
 19 person to be licensed as a licensed social worker who is engaged in the
 20 practice of a specialty ~~as~~ area of social work while an employee of ~~any an~~
 21 agency or department of the state in any of the following job
 22 classifications, but only if the person is engaged in that practice as an
 23 employee of ~~such an~~ the agency or department and only if the person does not
 24 represent himself or herself to the public as a social worker:

- 25 (A) ~~Family~~ A family service worker;
- 26 (B) ~~Social~~ A social service worker; ~~and or~~
- 27 (C) ~~Adult~~ An adult protective services worker.

28 (2) It is the intent of the General Assembly to restrict
 29 licensure to those individuals who are represented to be social workers. It
 30 is not the intent of the General Assembly to license persons such as state
 31 employees in the job classifications of social service workers and family
 32 service workers.

33

34 17-103-105. Violations.

35 The following acts ~~shall~~ constitute violations of this chapter:

36 (1) Representing oneself to be a social worker or engaging in

1 ~~the practice of social work a social worker, licensed social worker, licensed~~
 2 ~~master social worker, or licensed certified social worker unless licensed as~~
 3 ~~a licensed social worker, a licensed master social worker, or a licensed~~
 4 ~~certified social worker such~~ under this chapter ~~or under titles or~~
 5 ~~descriptions offering to give or giving services to individuals, groups,~~
 6 ~~agencies, or corporations without a license;~~

7 (2) Entering the private independent practice of clinical social
 8 work without being certified by the Arkansas Social Work Licensing Board;

9 (3) Obtaining or attempting to obtain a license or renewal
 10 ~~thereof~~ of a license by bribery or fraudulent representation; and

11 (4) Knowingly making a false statement on any form promulgated
 12 by the board in accordance with this chapter or the rules ~~and regulations~~
 13 ~~promulgated hereunder~~ under this chapter.

14
 15 SECTION 2. Arkansas Code § 17-103-107 is amended to read as follows:
 16 17-103-107. Privileged communications.

17 ~~(a)(1) No~~ A licensed certified social worker, licensed master social
 18 worker, or licensed social worker or his or her secretary, stenographer, or
 19 clerk ~~may~~ shall not disclose any information ~~he or she may have~~ acquired from
 20 ~~persons~~ a person consulting him or her in his or her professional capacity ~~to~~
 21 ~~those persons~~ except with the written consent of:

22 ~~(1) With the written consent of the person or persons or, in the~~
 23 ~~ease of death or disability, of his or her own legal guardian, other~~ another
 24 ~~person authorized to sue, or the beneficiary of an insurance policy on his or~~
 25 ~~her life, health, or physical condition~~ (A) The person; or

26 (B) In the case of death or disability of the person:

27 (i) The person's own legal guardian;

28 (ii) Another person authorized to sue on behalf of
 29 the person; or

30 (iii) The beneficiary of an insurance policy on the
 31 person's life, health, or physical condition.

32 (2) ~~That a~~ A licensed certified social worker, licensed master
 33 social worker, or licensed social worker ~~shall not be~~ is not required to
 34 treat as confidential a communication that reveals the ~~contemplation~~ intended
 35 commission of a crime or a harmful act.

36 (3) ~~When~~ If the person is a minor under the laws of this state

1 and the information acquired by the licensed certified social worker,
2 licensed master social worker, or licensed social worker indicates that the
3 minor was the victim or subject of a crime, the licensed certified social
4 worker, licensed master social worker, or the licensed social worker may be
5 required to testify fully in any examination, trial, or other proceedings in
6 which the commission of such a crime is the subject of inquiry, ~~or~~ .

7 (4) When The licensed certified social worker, licensed master
8 social worker, or the licensed social worker may disclose a person's acquired
9 information:

10 (A) If the person waives the privilege by bringing charges
11 against the licensed certified social worker, licensed master social worker,
12 or the licensed social worker;

13 (B)(i) In the course of formally reporting to, conferring
14 with, or consulting with administrative superiors, colleagues, or consultants
15 who share professional responsibility.

16 (ii) Under any circumstance specified in subdivision
17 (4)(B) of this section, a recipient of the disclosed information is bound
18 under this section to regard the information as privileged; or

19 (b) This section does not prohibit a licensed social worker, a
20 licensed master social worker, or a licensed certified social worker from
21 voluntarily testifying in court hearings concerning matters of adoption,
22 child abuse, child neglect, or other matters pertaining to children, the
23 elderly, and physically and mentally impaired adults, except as prohibited
24 under applicable state and federal laws.

25
26 SECTION 3. Arkansas Code §§ 17-103-201 – 17-103-205 are amended to
27 read as follows:

28 17-103-201. Creation – Members.

29 (a) There is created the Arkansas Social Work Licensing Board.

30 (b) All members of the ~~board~~ Arkansas Social Work Licensing Board
31 shall be appointed by the Governor with the consent of the Senate for terms
32 of three (3) years and shall be residents of the state and citizens of the
33 United States.

34 (c) The ~~board~~ Arkansas Social Work Licensing Board shall have nine (9)
35 members, with no fewer than two (2) African-American ~~persons~~ members, and
36 shall be composed of the following:

1 (1)(A) Three (3) members ~~shall be~~ who are licensed certified
2 social workers, two (2) members ~~shall be~~ who are licensed master social
3 workers, and one (1) member ~~shall be~~ who is a licensed social worker.

4 (B)(i) ~~These~~ The professional members shall be appointed
5 from the list of social workers licensed by this chapter and shall have five
6 (5) years of full-time social work practice experience prior to appointment
7 to the ~~board~~ Arkansas Social Work Licensing Board.

8 (ii) ~~This~~ The experience required under subdivision
9 (c)(1)(B)(i) of this section may consist of direct social work practice,
10 teaching, or administration in social work;

11 (2)(A) One (1) member ~~shall be~~ who is a psychiatrist certified
12 by the American Board of Psychiatry and Neurology.

13 (B) The member appointed under subdivision (c)(2)(A) of
14 this section shall be in good standing with the American Board of Psychiatry
15 and Neurology;

16 (3) One (1) member ~~shall be~~ who is a representative of the
17 public at large; and

18 (4)(A) One (1) member ~~shall be~~ who is sixty (60) years of age or
19 older, not actively engaged in or retired from professional social work, and
20 shall represent the elderly.

21 (B) ~~This~~ The member appointed under subdivision (c)(4)(A)
22 of this section shall be appointed from the state at large and shall be a
23 full voting member ~~but shall not participate in the grading of examinations.~~

24 (C) The same ~~person~~ member may not represent both the
25 public at large and the elderly.

26 (d)(1) ~~Members~~ A member of the ~~board~~ Arkansas Social Work Licensing
27 Board may be removed from office by the Governor for cause.

28 (2) In case of death, resignation, or removal, the vacancy of
29 the unexpired ~~terms~~ term shall be filled by the Governor in the same manner
30 as other appointments.

31 (3) ~~No~~ A member shall not serve more than two (2) consecutive
32 terms.

33 (e)(1) ~~Each~~ A member of the ~~board~~ Arkansas Social Work Licensing Board
34 may receive expense reimbursement in accordance with § 25-16-902.

35 (2) All reimbursements for expenses authorized by this chapter
36 shall be paid from the Social Work Licensing Fund.

1 ~~(3) No money may ever~~ Money shall not be paid from the General
2 Revenue Fund for the administration of this chapter.

3 (f) In addition to the expense reimbursement ~~mentioned in~~ under
4 subsection (e) of this section, each member of the ~~board~~ Arkansas Social Work
5 Licensing Board may receive a stipend in accordance with § 25-16-904.

6
7 17-103-202. Organization and functions.

8 (a)~~(1)~~ At least two (2) regular meetings of the Arkansas Social Work
9 Licensing Board shall be held each calendar year.

10 ~~(2)~~ At the first regular meeting ~~every two (2) years~~ each year,
11 the board shall elect a chair, ~~and a vice chair, and a secretary.~~

12 ~~(3)~~ Other regular meetings may be held at such time as the rules
13 of the board may provide.

14 (b) Special called meetings may be held at the discretion of the chair
15 or at the written request of any three (3) members of the board.

16 (c) Reasonable notice of all meetings shall be given in the manner
17 prescribed by the laws of this state.

18 (d) A quorum of the board shall consist of four (4) members.

19 ~~(e) A secretary of the board shall be elected by the board and shall~~
20 ~~hold office at the pleasure of the board.~~

21 ~~(f)~~~~(e)~~ The board shall employ necessary personnel for the performance
22 of its functions and fix the compensation of the personnel within the limits
23 of funds available to the board.

24 ~~(g)~~~~(f)~~ The board shall adopt a seal, ~~which must~~ that shall be affixed
25 to all certificates issued by the board.

26
27 17-103-203. ~~Duties generally~~ Powers and duties.

28 ~~(a) The Arkansas Social Work Licensing Board has all the powers and~~
29 ~~duties granted under this chapter.~~

30 ~~(b) In addition to the duties set forth elsewhere in this chapter, the~~
31 ~~Arkansas Social Work Licensing Board~~ board shall:

32 ~~(1) Establish an examination procedure, utilizing the~~
33 ~~examinations approved by the board~~ the criteria and process for licensure
34 through reciprocity;

35 ~~(2) Establish a licensure reciprocity agreement with other~~
36 ~~states;~~

1 ~~(3)(2)~~ Annually compile Make available under the Freedom of
 2 Information Act of 1967, § 25-19-101 et seq., a list of the names and
 3 addresses of all persons licensed under this chapter to be available upon
 4 request and cost the following information:

5 (A) A list of the names and addresses of all persons
 6 licensed under this chapter;

7 (B) A list of the names and addresses of all persons who
 8 hold a certification of registration under this chapter;

9 (C) A list of names of social workers who have been found
 10 in violation of this chapter or any rules promulgated under this chapter; and

11 (D) The findings of fact, conclusions of law, and order
 12 regarding a social worker who has been found in violation of this chapter or
 13 any rules promulgated under this chapter;

14 ~~(4)(3)~~ Establish mechanisms for appeal and decisions regarding
 15 applications and granting of licenses, with such mechanisms to include
 16 provisions for judicial review in accordance with the Arkansas Administrative
 17 Procedure Act, § 25-15-201 et seq.;

18 ~~(5)(4)~~ Make rules ~~and regulations not inconsistent~~ consistent
 19 with law as may be necessary to regulate its proceedings;

20 ~~(6)(5)~~ Compile an annual report;

21 ~~(7)(6)~~ Establish rules defining unprofessional conduct and set
 22 forth and publish a code of ethics and ~~publish~~ standards for practice;

23 ~~(8)(7)~~ Establish fees and publish financial records;

24 (8) Establish continuing education requirements and notify the
 25 applicants for licensing of the requirement; and

26 (9) At the time of license renewal, require each applicant to
 27 present satisfactory evidence that, in the period since the license was
 28 issued, he or she has completed the continuing education requirements
 29 specified by the board; ~~and~~

30 ~~(10) Establish continuing education requirements and notify the~~
 31 ~~applicants for licensing of the requirements.~~

32
 33 17-103-204. Disposition of funds.

34 (a) The ~~Secretary~~ Executive Director of the Arkansas Social Work
 35 Licensing Board or his or her designee shall receive and account for all
 36 money derived under the provisions of this chapter and shall pay ~~it weekly~~

1 the money to the Treasurer of State, who shall keep the money in a separate
2 fund to be known as the "Social Work Licensing Fund".

3 (b) Money may be paid out of the fund only by warrant drawn by the
4 Chief Fiscal Officer of the State on the State Treasury, ~~written on an~~
5 ~~itemized voucher, and approved and attested by the secretary.~~

6 (c) There shall be audits of the fund as required by law.

7 (d) ~~The secretary shall give a surety bond for the faithful~~
8 ~~performance of his or her duties to the Governor in the sum of ten thousand~~
9 ~~dollars (\$10,000) or an amount recommended by the Auditor of State. The~~
10 ~~premium for this bond shall be paid out of the fund~~ The executive director
11 shall be bonded to handle the finances of the board in compliance with state
12 rules.

13 (e) The board may make expenditures from ~~this~~ the fund for any purpose
14 ~~which~~ that is reasonable and necessary to carry out the provisions of this
15 chapter.

16
17 17-103-205. Fees.

18 The Arkansas Social Work Licensing Board shall establish, charge, and
19 collect for:

20 (1) The filing of an application for a license under this
21 chapter, a nonrefundable fee of not more than ~~one hundred dollars~~
22 ~~(\$100)~~ one hundred fifty dollars (\$150);

23 (2) A nonrefundable renewal of a license issued in accordance
24 with this chapter, a fee of not more than ~~eighty dollars (\$80.00)~~ one hundred
25 fifty dollars (\$150);

26 (3) Replacement of a license, a nonrefundable fee of not ~~less~~
27 ~~than twenty dollars (\$20.00)~~ more than forty dollars (\$40.00);

28 (4) Endorsement of an Arkansas social work license, a
29 nonrefundable fee of ~~twenty dollars (\$20.00)~~ not more than forty dollars
30 (\$40.00);

31 (5) Renewal of a license after the expiration date, a
32 nonrefundable late fee of not more than ~~eighty dollars (\$80.00)~~ one hundred
33 fifty dollars (\$150);

34 (6) A criminal background check processing fee, the fee amount
35 to be determined by the Department of Arkansas State Police;

36 (7) The filing of an application for a certificate of

1 registration under this chapter, a nonrefundable fee of not more than ~~twenty-~~
2 ~~five dollars (\$25.00)~~ fifty dollars (\$50.00); and

3 (8) Renewal of a certificate of registration issued under this
4 chapter, a nonrefundable fee of not more than ~~ten dollars (\$10.00)~~ twenty-
5 five dollars (\$25.00).

6
7 SECTION 4. Arkansas Code § 17-103-301 and 17-103-302 concerning social
8 work licenses is amended to read as follows:

9 17-103-301. License required.

10 (a) ~~No individual~~ A person shall not practice or offer to practice
11 social work ~~within the meaning of~~ under this chapter unless ~~he or she~~ the
12 person is licensed, a student under ~~the provisions of~~ this chapter, or
13 otherwise entitled to practice under subsections (b) and (c) of this section.

14 (b) ~~No~~ A person may shall not engage in the private independent
15 practice of social work unless that person is licensed under this chapter as
16 a licensed certified social worker.

17 (c) ~~No~~ A person may shall not engage in social work consultation
18 unless that person is licensed under this chapter as a licensed certified
19 social worker.

20
21 17-103-302. Reciprocity.

22 The Arkansas Social Work Licensing Board may grant a license without
23 examination to ~~any~~ a person meeting all of the other requirements of this
24 chapter and who at the time of application is licensed as a social worker by
25 a similar board of another state, territory, ~~or~~ district, or Canadian
26 province whose standards, in the opinion of the board, are not lower than
27 those required by this chapter.

28
29 SECTION 5. Arkansas Code § 17-103-303 concerning temporary licenses
30 for social workers is repealed.

31 ~~17-103-303. Temporary licenses.~~

32 ~~(a) A social worker who comes to reside in Arkansas and does not~~
33 ~~qualify for licensing under § 17-103-302 but who is otherwise qualified for~~
34 ~~licensing may be issued a temporary license by the Arkansas Social Work~~
35 ~~Licensing Board at the appropriate level for the practice of social work for~~
36 ~~a period of up to six (6) months until the board conducts its regular~~

1 ~~licensing examinations.~~

2 ~~(b)(1) An individual who resides in Arkansas and completes the~~
3 ~~educational requirements for licensing as a licensed social worker or~~
4 ~~licensed master social worker under § 17-103-306 may be issued a temporary~~
5 ~~license by the board at the appropriate level for the practice of social work~~
6 ~~for a period of up to one (1) year.~~

7 ~~(2) An individual holding a temporary license under subdivision~~
8 ~~(b)(1) of this section shall sit for the examination for licensure at least~~
9 ~~two (2) times during the one (1) year of temporary licensure.~~

10

11 SECTION 6. Arkansas Code § 17-103-304 – 17-103-308 concerning social
12 work licenses is amended to read as follows:

13 17-103-304. Expiration and renewal.

14 (a) ~~All licenses shall be~~ A license is effective ~~when issued at the~~
15 time of issuance by the Arkansas Social Work Licensing Board.

16 (b) The ~~licenses~~ license of a licensed social worker, licensed master
17 social worker, and licensed certified social worker ~~shall be~~ is valid for two
18 (2) years after the date of issuance.

19 (c)(1) A license may be renewed by the payment of a renewal fee as set
20 by the board.

21 ~~(2) The board shall mail an application for renewal of a license~~
22 ~~to each person to whom a license was issued or renewed during the current~~
23 ~~year. The application shall be mailed to the most recent address of the~~
24 ~~person as it appears on the records of the board~~ A notice of license renewal
25 shall be sent to a licensee at the most recent address as it appears in the
26 records of the board approximately two (2) months before the expiration date
27 of the license.

28 (3) ~~The person shall complete the renewal application and return~~
29 ~~it to the board accompanied by the required renewal fee within not more than~~
30 ~~two (2) months after the renewal application was mailed by the board~~ Before
31 the expiration date of the license, the licensee shall:

32 (A) Submit a renewal application and fee online; or

33 (B) Mail the renewal application and fee to the office of
34 the board.

35 (4) Upon receipt of ~~any~~ an application and fee, the board shall
36 verify the accuracy of the application and ,if approved, issue to the

1 applicant a notice of license renewal valid for the next two (2) years.

2 (d)(1) If a ~~person~~ licensee fails to renew his or her license ~~within~~
3 ~~the two month period~~ before the expiration date, the license shall lapse the
4 last day of the month of the calendar year that is exactly two (2) years from
5 the calendar year and month in which the license was issued.

6 (2) ~~Renewal of a license which has lapsed for a period in excess~~
7 ~~of two (2) months but less than six (6) months may be effected upon~~
8 submission to the board A license that has lapsed for a period of less than
9 three (3) months may be renewed by submission of:

10 (A) a completed renewal application;

11 (B) ~~accompanied by a~~ A fee which shall be that is two (2)
12 times the amount of the renewal fee specified; and

13 (C) An attestation that the licensee has not practiced
14 social work since the day that his or her license lapsed and the licensee
15 will not practice social work until his or her license is approved for
16 renewal by the board.

17 (3) If a license ~~is allowed to lapse~~ has lapsed for ~~six (6)~~
18 three (3) months or longer, the applicant for the license shall be considered
19 a new applicant subject to appropriate provisions of this chapter.

20 (4) A license that has expired over three (3) months is not
21 renewable.

22 (e) At the time of license renewal, ~~each~~ an applicant shall present
23 satisfactory evidence that in the period since the license was issued, he or
24 she has completed the continuing education requirements as required by the
25 board.

26

27 17-103-305. Renewal, revocation, suspension – Disciplinary
28 proceedings.

29 (a) The Arkansas Social Work Licensing Board may refuse to issue or
30 renew a license or may revoke or suspend a license issued under this chapter
31 or may impose other appropriate restrictions or additional impositions,
32 including without limitation supervision, probation, counseling, reporting,
33 drug screening, and additional continuing education for any of the following
34 causes or reasons:

35 (1) Violation of a provision of this chapter;

36 (2) Gross negligence in the practice of social work; ~~or~~

1 (3) Engaging in a course of unprofessional conduct as defined by
2 the rules established by the board or violation of the code of ethics made
3 and published by the board; or

4 (4) Failing to meet one (1) of the qualifications for issuance
5 of a license under § 17-103-307.

6 (b) The board shall refuse to issue or shall revoke the license of ~~any~~
7 a person who is found guilty of or pleads guilty or nolo contendere to ~~any~~ an
8 offense listed in § 17-103-307~~(f)~~ (e) unless the person requests and the
9 board grants a waiver pursuant to § 17-103-307~~(h)~~ (f).

10 ~~(c)(1) Hearings shall be conducted by the board~~ The board shall
11 conduct hearings.

12 (2) Decisions will shall be determined by a majority vote of the
13 board. All proceedings ~~will~~ shall be conducted in accordance with the
14 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

15
16 17-103-306. Qualifications – Issuance.

17 (a)(1) The Arkansas Social Work Licensing Board shall issue a ~~license~~
18 ~~as a licensed social worker~~ Licensed Social Worker License to an applicant
19 who qualifies as follows:

20 ~~(1)(A)~~ (A) Has a baccalaureate degree in a social work from a
21 program accredited by the Council on Social Work Education or the Canadian
22 Association for Social Work Education, or has received before June 17, 1986,
23 a baccalaureate degree in a social work program from an accredited
24 educational institution;

25 ~~(2)(B)~~ (B) Has passed an examination approved by the board for
26 this purpose and level of practice; ~~and~~

27 ~~(3)(C)~~ (C) Has applied for a criminal background check and has
28 not been found guilty of or pleaded guilty or nolo contendere to any of the
29 offenses listed in § 17-103-307~~(f)~~ (e);

30 (D) Has good moral character;

31 (E) Is physically and mentally competent to provide social
32 work services with reasonable skill and safety, as determined by the board;

33 (F) Is not affected by a mental or physical disease or
34 condition that would impair the applicant's competency to provide social work
35 services;

36 (G) Has not pleaded guilty or nolo contendere to or been

1 found guilty of a felony or any crime involving moral turpitude;

2 (H) Does not use drugs or alcohol to an extent that the
3 use affects the applicant's professional competency; and

4 (I) Has not engaged in fraud or deceit in making the
5 application.

6 (2)(A) The board shall issue a Provisional Licensed Social
7 Worker license one (1) time only to an applicant who qualifies under this
8 subsection.

9 (B) A Provisional Licensed Social Worker license is good
10 for one (1) year and up to three (3) attempts to pass the examination
11 approved by the board for this purpose and level of practice.

12 (b)(1) The board shall issue a ~~license as a licensed master social~~
13 worker ~~Licensed Master Social Worker license~~ to an applicant who qualifies as
14 follows:

15 ~~(1)(A)~~ Has a master's degree in social work from ~~an~~
16 accredited social work a program in an accredited institution approved by the
17 Council on Social Work Education or the Canadian Association for Social Work
18 Education, or has received before June 17, 1986, a master's degree in a
19 social work program from an accredited educational institution;

20 ~~(2)(B)~~ Has passed an examination approved by the board for
21 this purpose and level of practice; ~~and~~

22 ~~(3)(C)~~ Has applied for a criminal background check and has
23 not been found guilty of or pleaded guilty or nolo contendere to any of the
24 offenses listed in § 17-103-307~~(f)~~ (e);

25 (D) Has good moral character, as determined by the board;

26 (E) Is physically and mentally competent to provide social
27 work services with reasonable skill and safety;

28 (F) Is not afflicted with a mental or physical disease or
29 condition that would impair the applicant's competency to provide social work
30 services;

31 (G) Has not pleaded guilty or nolo contendere to or been
32 found guilty of a felony or any crime involving moral turpitude;

33 (H) Does not use drugs or alcohol to an extent that the
34 use affects the applicant's professional competency; and

35 (I) Has not engaged in fraud or deceit in making the
36 application.

1 (2)(A) The board shall issue a Provisional Licensed Master
2 Social Worker license one (1) time only to an applicant who qualifies under
3 this subsection.

4 (B) A Provisional Licensed Master Social Worker license is
5 good for one (1) year and up to three (3) attempts to pass the examination
6 approved by the board for this purpose and level of practice.

7 (c)(1) The board shall issue a license as a ~~licensed certified social~~
8 ~~worker~~ Licensed Certified Social Worker license to an applicant who qualifies
9 as follows:

10 ~~(1)(A)~~ Has a master's degree in social work from an
11 ~~accredited social work~~ a program in an accredited institution approved by the
12 Council on Social Work Education or the Canadian Association for Social Work
13 Education, or has received before June 17, 1986, a master's degree in a
14 social work program from an accredited educational institution;

15 ~~(2)(B)(i)~~ Has two (2) years of supervised social work
16 ~~experience in a clinical or nonclinical concentration by a licensed certified~~
17 ~~social worker licensed under this law beyond the master's degree~~ Has at least
18 twenty-four (24) months of supervised social work experience under a Licensed
19 Certified Social Worker.

20 (ii) The supervised social work experience required
21 under subdivision (c)(1)(B)(i) of this section shall include at least four
22 thousand (4,000) hours in a social work position under the supervision of a
23 Licensed Certified Social Worker or a social worker whom the board determines
24 to have qualifications equivalent to those required of a Licensed Certified
25 Social Worker;

26 ~~(3)(C)~~ Has passed an examination approved by the board for
27 this purpose and level of practice; and

28 ~~(4)(D)~~ Has applied for a criminal background check and has
29 not been found guilty of or pleaded guilty or nolo contendere to any of the
30 offenses listed in § 17-103-307~~(f)~~ (e);

31 (E) Has good moral character, as determined by the board;

32 (F) Is physically and mentally competent to provide social
33 work services with reasonable skill and safety;

34 (G) Is not affected by a mental or physical disease or
35 condition that would impair the applicant's competency to provide social work
36 services;

1 (H) Has not pleaded guilty or nolo contendere to or been
2 found guilty of a felony or any crime involving moral turpitude;

3 (I) Does not use drugs or alcohol to an extent that the use affects
4 the applicant's professional competency; and

5 (J) Has not engaged in fraud or deceit in making the
6 application.

7 (2)(A) The board shall issue a Provisional Licensed Master
8 Social Worker license one (1) time only to an applicant who qualifies under
9 this subsection.

10 (B) A Provisional Licensed Master Social Worker license is
11 good for one (1) year and up to three (3) attempts to pass the examination
12 approved by the board for this purpose and level of practice.

13 (C) A Provisional Licensed Certified Social license is not
14 available.

15
16 17-103-307. Criminal background checks.

17 (a) Each ~~first-time~~ applicant for a license issued by the Arkansas
18 Social Work Licensing Board ~~shall be~~ is required to apply ~~to the~~
19 ~~Identification Bureau of the Department of Arkansas State Police~~ for a state
20 and national criminal background check, to be conducted by the Department of
21 Arkansas State Police and the Federal Bureau of Investigation.

22 (b) The criminal background check shall conform to the applicable
23 federal standards and shall include the taking of fingerprints.

24 (c) The applicant shall sign a release of information to the board and
25 shall be responsible ~~to the Department of Arkansas State Police~~ for the
26 payment of any fee associated with the criminal background check.

27 (d) Upon completion of the criminal background check, the
28 Identification Bureau of the Department of Arkansas State Police shall
29 forward to the board all information obtained concerning the applicant in the
30 commission of any offense listed in subsection ~~(f)~~ (e) of this section.

31 ~~(e) At the conclusion of any background check required by this~~
32 ~~section, the Identification Bureau of the Department of Arkansas State Police~~
33 ~~shall promptly destroy the fingerprint card of the applicant.~~

34 ~~(f)~~(e) Except as provided in subdivision ~~(m)~~(l) (k)(1) of this
35 section, ~~no~~ a person ~~shall be~~ is not eligible to receive or hold a license
36 issued by the board if that person has pleaded guilty or nolo contendere to

1 ~~or been found guilty of any a felony or any crime involving moral turpitude.~~
2 ~~of the following offenses by any court in the State of Arkansas or of any~~
3 ~~similar offense by a court in another state or of any similar offense by a~~
4 ~~federal court;~~

5 ~~(1) Capital murder as prohibited in § 5-10-101;~~

6 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
7 ~~murder in the second degree as prohibited in § 5-10-103;~~

8 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

9 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

10 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

11 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
12 ~~11-103;~~

13 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
14 ~~106;~~

15 ~~(8) Robbery as prohibited in § 5-12-102;~~

16 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

17 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

18 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

19 ~~(12) Introduction of a controlled substance into the body of~~
20 ~~another person as prohibited in § 5-13-210;~~

21 ~~(13) Terroristic threatening in the first degree as prohibited~~
22 ~~in § 5-13-301;~~

23 ~~(14) Rape as prohibited in § 5-14-103;~~

24 ~~(15) Sexual indecency with a child as prohibited in § 5-14-110;~~

25 ~~(16) Sexual assault in the first degree, second degree, third~~
26 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

27 ~~(17) Incest as prohibited in § 5-26-202;~~

28 ~~(18) Offenses against the family as prohibited in §§ 5-26-303—~~
29 ~~5-26-306;~~

30 ~~(19) Endangering the welfare of an incompetent person in the~~
31 ~~first degree as prohibited in § 5-27-201;~~

32 ~~(20) Endangering the welfare of a minor in the first degree as~~
33 ~~prohibited in § 5-27-205;~~

34 ~~(21) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

35 ~~(22) Engaging children in sexually explicit conduct for use in~~
36 ~~visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
2 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
3 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
4 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
5 ~~5-27-403;~~

6 ~~(23) Felony adult abuse as prohibited in § 5-28-103;~~

7 ~~(24) Theft of property as prohibited in § 5-36-103;~~

8 ~~(25) Theft by receiving as prohibited in § 5-36-106;~~

9 ~~(26) Arson as prohibited in § 5-38-301;~~

10 ~~(27) Burglary as prohibited in § 5-39-201;~~

11 ~~(28) Felony violation of the Uniform Controlled Substances Act,~~
12 ~~§§ 5-64-101—5-64-510, as prohibited in the former § 5-64-401 and §§ 5-64-~~
13 ~~419—5-64-442;~~

14 ~~(29) Promotion of prostitution in the first degree as prohibited~~
15 ~~in § 5-70-104;~~

16 ~~(30) Stalking as prohibited in § 5-71-229;~~

17 ~~(31) Criminal attempt, criminal complicity, criminal~~
18 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
19 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection;~~

20 ~~(32) Computer child pornography as prohibited in § 5-27-603; and~~

21 ~~(33) Computer exploitation of a child in the first degree as~~
22 ~~prohibited in § 5-27-605.~~

23 ~~(g)(1) The board may issue a six-month nonrenewable letter of~~
24 ~~provisional eligibility for licensure to a first-time applicant pending the~~
25 ~~results of the criminal background check.~~

26 ~~(2) Except as provided in subdivision (m)(1) of this section,~~
27 ~~upon receipt of information from the Identification Bureau of the Department~~
28 ~~of Arkansas State Police that the person holding such a letter of provisional~~
29 ~~licensure has pleaded guilty or nolo contendere to or been found guilty of~~
30 ~~any offense listed in subsection (f) of this section, the board shall~~
31 ~~immediately revoke the provisional license.~~

32 ~~(h)(f)(1) The provisions of subsection (f) and subdivision (g)(2) (e)~~
33 ~~of this section may be waived by the board upon the request of:~~

34 ~~(A) An affected applicant for licensure; or~~

35 ~~(B) The person holding a license subject to revocation.~~

36 ~~(2) Circumstances for which a waiver may be granted shall~~

1 include, but ~~not be~~ are not limited to, the following:

2 (A) The applicant's age at ~~which~~ the time the crime was
3 committed;

4 (B) The circumstances surrounding the crime;

5 (C) The length of time since the crime;

6 (D) Subsequent work history;

7 (E) Employment references;

8 (F) Character references; and

9 (G) Other evidence demonstrating that the applicant does
10 not pose a threat to the health or safety of children or endangered adults.

11 ~~(i)(g)(1) Any information~~ Information received by the board from the
12 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
13 under this section shall not be available for examination except by the
14 affected applicant for licensure or his or her authorized representative or
15 the person whose license is subject to revocation or his or her authorized
16 representative.

17 (2) No record, file, or document shall be removed from the
18 custody of the department.

19 ~~(j)(h) Any information~~ Information made available to the affected
20 applicant for licensure or the person whose license is subject to revocation
21 shall be information pertaining to that person only.

22 ~~(k)(i)~~ Rights of privilege and confidentiality established in this
23 section ~~shall do~~ do not extend to any document created for purposes other than
24 ~~this~~ the criminal background check.

25 ~~(l)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
26 fully implement the provisions of this section.

27 ~~(m)(k)(1) For purposes of~~ As used in this section, an expunged record
28 of a conviction or plea of guilty or nolo contendere to ~~an offense listed in~~
29 ~~subsection (f) of this section shall not be~~ a felony or any crime involving
30 moral turpitude is not considered a conviction, guilty plea, or nolo
31 contendere plea to the offense unless the offense is also listed in
32 subdivision ~~(m)(2)~~ (k)(2) of this section.

33 (2) Because of the serious nature of the offenses and the close
34 relationship to the type of work that is to be performed, ~~the following a~~
35 conviction, guilty plea, or nolo contendere plea to any of the following
36 offenses shall result in permanent disqualification for licensure:

- 1 (A) Capital murder as prohibited in § 5-10-101;
- 2 (B) Murder in the first degree as prohibited in § 5-10-102
- 3 and murder in the second degree as prohibited in § 5-10-103;
- 4 (C) Kidnapping as prohibited in § 5-11-102;
- 5 (D) Rape as prohibited in § 5-14-103;
- 6 (E) Sexual assault in the first degree as prohibited in §
- 7 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
- 8 (F) Endangering the welfare of a minor in the first degree
- 9 as prohibited in § 5-27-205 and endangering the welfare of a minor in the
- 10 second degree as prohibited in § 5-27-206;
- 11 (G) ~~Incest as prohibited in § 5-26-202~~ Engaging children
- 12 in sexually explicit conduct for use in visual or print media, transportation
- 13 of minors for prohibited sexual conduct, or pandering or possessing a visual
- 14 or print medium depicting sexually explicit conduct involving a child, or use
- 15 of a child or consent to use of a child in a sexual performance by producing,
- 16 directing, or promoting a sexual performance by a child, as prohibited in §§
- 17 5-247-303 – 5-27-305, 5-27-402, and 5-27-403;
- 18 (H) Arson as prohibited in § 5-38-301;
- 19 (I) Endangering the welfare of an incompetent person in
- 20 the first degree as prohibited in § 5-27-201; and
- 21 (J) Adult abuse that constitutes a felony as prohibited in
- 22 § 5-28-103.

23

24 17-103-308. Licensure certificate.

25 (a) ~~A licensee under this chapter~~ Under this chapter, a licensee

26 involved in independent private practice with the public shall:

27 (1) Display his or her license; and

28 (2) Immediately notify clients if his or her license expires

29 without renewal or is suspended or revoked.

30 (b) ~~A licensee under this chapter~~ Under this chapter, a licensee whose

31 license expires without renewal or is suspended or revoked shall immediately:

32 (1) Notify his or her employer, employees, and partners that he

33 or she is no longer licensed; and

34 (2) Remove from public display his or her license certificate

35 and license card.

36

1 SECTION 7. Arkansas Code Title 17, Chapter 103, Subchapter 3, is
2 amended to add an additional section to read as follows:

3 17-103-309. Practice by electronic, telephonic, or other means.
4 The provision of social work services to a client within this state
5 through any means, including without limitation electronic means or by
6 telephone, regardless of the location of the social worker, constitutes the
7 practice of social work and is subject to this chapter and to rules adopted
8 under this chapter.

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