

**STATE OF ARKANSAS
SOCIAL WORK LICENSING BOARD**

THE SOCIAL WORK LICENSING ACT



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ARKANSAS CODE
CHAPTER 103
SOCIAL WORK LICENSING

SUBCHAPTER

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Subchapter 1 -- GENERAL PROVISIONS

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17-103-101. Title.

This chapter shall be known and may be cited as the "Social Work Licensing Act."

History. Acts 1999, No. 1122 § 1, Acts 1981, No. 791; § 1; A.S.A. 1947, § 71-2801.

17-103-102. Purpose.

Since the profession of social work significantly affects the lives of the people of this state, it is the purpose of this chapter to protect the public by setting standards of qualification, training, and experience for those who seek to represent themselves to the public as social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

History. Acts 1999, No. 1122 § 1, Acts 1981, No. 791; § 2; A.S.A. 1947, § 71-2802.

17-103-103. Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Board" means the Social Work Licensing Board;
- (2) "Practice of social work" means a professional service which effects change in social conditions, human behavior, and emotional responses of individuals, couples, families, groups, and organizations. "Social work practice" can only be performed with specialized knowledge and skills related to human development, the potential for human growth, the availability of social resources, and the knowledge of social systems. The disciplined application of social work knowledge and skills includes, but is not restricted to, the following:
 - (A) Counseling with individuals, couples, families, and groups for purposes of assessment and enhancement of the problem-solving and coping capacities of people;
 - (B) The application of social work knowledge and skills in social planning, administration and research.

History. Acts 1999, No. 1122 § 1, Acts 1981, No. 791; § 3; A.S.A. 1947 § 71-2803; 71-2804; Acts 1987, No. 760,§1.

CASE NOTES

Cited: Wilburn v. State, 289 AR 224, 711 S.W. 2d 760 (1986).

17-103-104. Exemptions.

- (a) Nothing in this chapter shall be construed to prevent members of the clergy, Christian Science practitioners, and licensed professionals such as physicians, nurses, psychologist, counselors, and attorneys from doing work within the standards and ethics of their respective professions, providing they do not hold themselves out to the public by any title or description of services as being social workers as defined under this chapter.
- (b) Nothing in this chapter shall be construed to limit or prohibit the employment by licensed hospitals in this state of persons who perform services commonly within the definition of social work or practices performed by social workers, so long as the services are performed within the course of and scope of their employment as an employee of the hospital. Nor shall this chapter require any regular employee of a licensed hospital in this state to be licensed as a licensed social worker, a licensed master social worker, or a licensed certified social worker as a condition of employment by or performance of services as a social worker while employed in a licensed hospital in this state.
- (c) Nothing in this chapter shall be construed as limiting the activities and services of a graduate or undergraduate student for the practice of social work from an accredited educational institution.
- (d)
 - (1) Nothing in this chapter shall be construed to require any person to be licensed as a licensed social worker who is engaged in the practice of a specialty as an employee of any agency or department of the state in the following job

classifications but only if engaged in that practice as an employee of such an agency or department:

- (A) Family service workers;
 - (B) Social service worker; and
 - (C) Adult protective services worker.
- (2) It is the intent of the General Assembly to restrict licensure to those individuals who are represented to be social workers. It is not the intent of the General Assembly to license persons such as state employees in the job classifications of social service workers and family service workers.

History. Acts 2009, No. 297 § 1, Acts 1999, No. 1122 § 1, Acts 1981, No. 791; § 3. 4' A.S.A. 1947 § 71-2803, 71-2804; Acts 1987, No. 760, § 1.

CASE NOTES

Cited: Wilburn v. State, 289 AR 224, 711 S.W. 2d 760 (1986).

17-103-105. Violations.

The following acts shall constitute violations of this chapter:

- (1) Representing oneself to be a social worker, licensed social worker, licensed master social worker, or licensed certified social worker unless licensed as such under this chapter or under titles or descriptions offering to give or giving services to individuals, groups, agencies, or corporations without a license;
- (2) Entering the private independent practice of social work without being certified by the board;
- (3) Obtaining or attempting to obtain a license or renewal thereof by bribery or fraudulent representation;
- (4) Knowingly making a false statement on any form promulgated by the Board in accordance with this chapter or the rules and regulations promulgated hereunder.

History. Acts 1999, No. 1122, § 1, Acts 1981, No. 791; § 16; A.S.A. 1947, § 71-2816.

17-103-106. Penalties and enforcement.

- (a) Violations of this chapter shall constitute Class A misdemeanors.
- (b) (1) (A) When the Arkansas Social Work Licensing Board is made aware of a possible violation of § 17-103-105, a registered letter with a return receipt requested shall be mailed to the individual in question, calling to his or her attention the pertinent aspects of the law and the rules and regulations of the board.
- (B) If the individual continues the alleged illegal practice, the information shall be forwarded

- to the appropriate law enforcement authorities for legal action.
- (2) The Arkansas Social Work Licensing Board shall assist the prosecuting attorney in the enforcement of this chapter.
 - (3) Any member of the Board may present evidence of a violation to the appropriate prosecuting attorney.

History. Acts 2003, No. 1274 § 1; Acts 1999, No. 1122, § 1, Acts 1981, No. 791; § 19; A.S.A. 1947, § 71-2819.

17-103-107. Privileged communications.

No licensed certified social worker, licensed master social worker, or licensed social worker or his secretary, stenographer, or clerk may disclose any information he may have acquired from persons consulting him in his professional capacity to those persons except:

- (1) With the written consent of the person or persons or, in the case of death or disability, of his own legal guardian, other person authorized to sue, or the beneficiary of an insurance policy on his life, health, or physical condition;
- (2) That a licensed certified social worker, licensed master social worker, or licensed social worker shall not be required to treat as confidential a communication that reveals the contemplation of a crime or a harmful act;
- (3) When the person is a minor under the laws of this state and the information acquired by the licensed certified social worker, licensed master social worker, or licensed social worker indicates that the minor was the victim or subject of a crime, the licensed certified social worker, licensed master social worker, or the licensed social worker may be required to testify fully in any examination, trial, or other proceedings in which the commission of such a crime is the subject of inquiry;
- (4) When the person waives the privilege by bringing charges against the licensed certified social worker, licensed master social worker, or the licensed social worker.

History. Acts 1999, No. 1122, § 1, Acts 1981, No. 791; § 15; A.S.A. 1947, § 71-2815.

Subchapter 2 --SOCIAL WORK LICENSING BOARD

- 17-103-201. Creation - Members.
- 17-103-202. Organization and functions.
- 17-103-203. Duties generally.
- 17-103-204. Disposition of funds.
- 17-103-205. Fees.

Effective Dates. Acts 1983, No. 131, § 6 and No. 135, § 6: Feb. 10, 1983. Emergency clauses provided; "It is hereby found and determined by the General assembly that state boards and commissions exist for the singular purpose of protecting the public health and welfare; that citizens over 60 years of age represent a significant percentage of the population; that it is necessary and proper that the older population be represented on such boards and commissions; that the operations of the boards and commissions have a profound effect on the daily lives of older Arkansans; and that the public voice of older citizens should not be muted as to questions

coming before such bodies. There, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

17-103-201. Creation -- Members.

- (a) There is created the Arkansas Social Work Licensing Board.
- (b) All members of the Board shall be appointed by the Governor, with the consent of the Senate, for terms of three (3) years, and shall be residents of the state and citizens of the United States.
- (c) The Board shall have nine (9) members, with no fewer than two (2) blacks, and shall be composed of the following;
 - (1) Three (3) members shall be licensed certified social workers; two (2) members shall be licensed master social workers; and one (1) member shall be a licensed social worker. These professional members shall be appointed from a list of social workers licensed by this law and shall have five (5) years of full-time social work practice experience prior to appointment to the Board. This experience may consist of direct social work practice, teaching, or administration in social work;
 - (2) One (1) member shall be a psychiatrist certified by the American Board of Psychiatry and Neurology;
 - (3) One (1) member shall be a representative of the public at large;
 - (4) One (1) member shall be sixty (60) years of age or older, not actively engaged in or retired from professional social work, and shall represent the elderly. This member shall be appointed from the state at large and shall be a full voting member but shall not participate in the grading of examinations. The same person may not represent both the public at large and the elderly.
- (d) Members of the Board may be removed from office by the Governor for cause. In case of death, resignation, or removal, the vacancy of the unexpired terms shall be filled by the Governor in the same manner as other appointments. No member shall serve more than two (2) consecutive terms.
- (e) Each member of the board shall receive all necessary expenses incident to holding meetings. However, expenses shall in no case exceed the fees collected by the Board and shall not exceed the per diem and reimbursement limits set for state employees. All reimbursements for expenses authorized by this chapter shall be paid from the Social Work Licensing Fund. No money may ever be paid from the General Revenue Fund for the administration of this chapter.

History. Acts 1999, No. 1122, § 1, Acts 1981, No. 791; § 9, 11; 1983, No. 131, § 1-3,5; 1983, No. 135 § 1-3,5; A.S.A. 1947, § 6-623 6-626, 71-2809, 71-2811.

Publisher's Notes. The terms of the members of the Arkansas Social Work Licensing Board, other than the representative of the elderly, are arranged so that the terms of the licensed social worker and the public representative expire in one year, the terms of the

licensed master social workers expire in the next year, and the terms of the licensed certified social workers and the psychiatrist expire in the third year.

17-103-202. Organization and functions.

- (a) At least two (2) regular meetings of the Board shall be held each calendar year. At the first regular meeting every two (2) years, the Board shall elect a chairperson and vice-chairperson. Other regular meetings may be held at such time as the rules of the Board may provide.
- (b) Special called meetings may be held at the discretion of the chairperson or at the written request of any three (3) members of the Board.
- (c) Reasonable notice of all meetings shall be given in the manner prescribed by the laws of this state.
- (d) A quorum of the Board shall consist of four (4) members.
- (e) A secretary of the Board shall be elected by the Board and shall hold office at the pleasure of the Board.
- (f) The Board shall employ necessary personnel for the performance of its functions and fix the compensation of the personnel within the limits of funds available to the Board.
- (g) The Board shall adopt a seal, which must be affixed to all certificates issued by the Board.

History. Acts 1999, No. 1122, § 1; Acts 1981, No. 791; § 10, 11; A.S.A. 1947, § 71-2810, 71-2811.

17-103-203. Duties generally.

In addition to the duties set forth elsewhere in this chapter, the AR Social Work Licensing Board shall:

- (1) Establish an examination procedure, utilizing the examinations approved by the Board;
- (2) Establish a licensure reciprocity agreement with other states;
- (3) Annually compile a list of the names and addresses of all persons licensed under this chapter to be available upon request and cost;
- (4) Establish mechanisms for appeal and decisions regarding applications and granting of licenses, with such mechanisms to include provisions for judicial review in accordance with the Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq.
- (5) Make rules and regulations not inconsistent with law as may be necessary to regulate its proceedings;
- (6) Compile an annual report;
- (7) Establish rules defining unprofessional conduct and set forth and publish a code of ethics and publish standards for practice;
- (8) Establish fees and publish financial records;

- (9) At the time of license renewal, require each applicant to present satisfactory evidence that in the period since the license was issued he has completed the continuing education requirements specified by the Board; and
- (10) Establish continuing education requirements and notify the applicants for licensing of the requirements.

History. Acts 1999, No. 1122, § 1; Acts 1981, No. 791; § 10; A.S.A. 1947, § 71-2810.

17-103-204. Disposition of funds.

- (a) The secretary of the Board shall receive and account for all money derived under the provisions of this chapter and shall pay it weekly to the State Treasurer, who shall keep the money in a separate fund to be known as the Social Work Licensing Fund.
- (b) Money may be paid out of the fund only by warrant drawn by the chief fiscal officer on the State Treasury, on an itemized voucher, approved and attested by the secretary of the Board.
- (c) There shall be audits of the Social Work Licensing Fund as required by law.
- (d) The secretary of the Board shall give a surety bond for the faithful performance of his duties to the Governor in the sum of ten thousand dollars (\$10,000) or an amount recommended by the State Auditor. The premium for this bond shall be paid out of the Social Work Licensing Fund.
- (e) The Board may make expenditures from this fund for any purpose which is reasonable and necessary to carry out the provisions of this chapter.

History. Acts 1999, No. 1122, § 1; Acts 1981, No. 791; § 10; A.S.A. 1947, § 71-2810

A.C.R.C. Notes. The operation of subsection (d) of this section was suspended by adoption of a blanket bond program for state officers and employees, effective January 1, 1986, pursuant to § 21-2-501 et seq. Subsection (d) of this section may again become effective upon cessation of coverage under that program. See § 21-2-503. But see also Act 1985, No. 13 (§ 21-2-601) which concerns blanket performance bond coverage for all public employees, including state officers and employees, and which repealed all conflicting laws as of January 1, 1986. Pursuant to § 21-2-603, the act does not apply if a single blanket bond program is adopted, but it is unclear what impact the act may have on pre-existing bond requirements if coverage under the single blanket program ceases.

17-103-205. Fees.

The Board shall establish, charge, and collect for:

- (1) The filing of an application for a license under this chapter a fee of not more than twenty-five (\$50.00);
- (2) The taking of an examination, a fee as established by regulation of the board;
- (3) The original issuance of a license under this chapter, a fee of not more than twenty-five (\$50.00);
- (4) A renewal of a license issued in accordance with this chapter, a fee of not more than forty dollars (\$80.00);

- (5) Replacement of a license or renewal lost or destroyed, a fee of not less than ten dollars (\$20.00); and
- (6) Endorsement of a foreign license, a fee of ten dollars (\$20.00).

History. Acts 2001, No. 1481; Acts 1999, No. 1122, § 1; Acts 1981, No. 791; § 10; A.S.A. 1947, § 71-2810; Acts 1987, No. 40.

Subchapter 3 – LICENSING.

- 17-103-301. License required.
- 17-103-302. Reciprocity.
- 17-103-303. Temporary licenses.
- 17-103-304. Expiration and renewal.
- 17-103-305. Renewal, revocation, suspension - Disciplinary proceedings.
- 17-103-306. Qualification - Issuance.
- 17-103-307. Criminal background checks.

17-103-301. License required.

- (a) No individual shall practice or offer to practice social work within the meaning of this chapter unless he is licensed, a student under the provisions of this chapter, or otherwise entitled under subsections (b) and (c) of this section.
- (b) No person may engage in the private independent practice of social work unless that person is licensed under this chapter as a licensed certified social worker.
- (c) No person may engage in social work consultation unless that person is licensed under this chapter as a licensed certified social worker.

History. Acts. 1999, No. 1122, §1; Acts 1981, No. 791; § 6,7; A.S.A. 1947, § 71-2806, 71-2807.

17-103-302. Reciprocity.

The Board may grant a license without examination to any person meeting all of the other requirements of this chapter and who, at the time of application, is licensed as a social worker by a similar board of another state, territory, or district, whose standards, in the opinion of the board, are not lower than those required by this chapter.

History. Acts 1999, No. 1122, § 1; Acts 1981, No. 791; § 13; A.S.A. 1947, § 71-2813.

17-103-303. Temporary licenses.

- (a) A social worker who comes to reside in Arkansas and does not qualify for licensing under § 17-103-302, but who is otherwise qualified for licensing, may be issued a temporary license by the Board at the appropriate level for the practice of social work for a period of up to six (6) months.
- (b) (1) An individual who resides in Arkansas and completes the educational requirements for licensing as a licensed social worker or licensed master social worker under § 17-39-306 may be issued a temporary license by the Board at the

appropriate level for the practice of social work for a period of up to one (1) year.

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

History. Acts 2005, No. 281, § 1; Acts 1999, No. 1122, § 1; Acts 1981, No. 791; § 12; A.S.A. 1947, § 71-2812.

17-103-304. Expiration and renewal.

- (a) All licenses shall be effective when issued by the Board.
- (b) The licenses of licensed social workers, licensed master social workers, and licensed certified social workers shall be valid for two (2) years after date of issuance.
- (c)
 - (1) A license may be renewed by the payment of a renewal fee as set by the Board.
 - (2) The Board shall mail an application for renewal of a license to each person to whom a license was issued or renewed during the current year, which application shall be mailed to the most recent address of the person as it appears on the records of the Board.
 - (3) The person shall complete the renewal application and return it to the Board accompanied by the required renewal fee within not more than two (2) months after the renewal application was mailed by the Board.
 - (4) Upon receipt of any application and fee, the Board shall verify the accuracy of the application and issue to the applicant a notice of license renewal for the next two (2) years.
- (d)
 - (1) If a person fails to renew his or her license within the two-month period, the license shall lapse the last day of the month of the calendar year that is exactly two years from the calendar year and month in which the license was issued.
 - (2) Renewal of a license which has lapsed for a period in excess of two months but less than six (6) months may be effected upon submission to the board of a renewal application accompanied by a fee which shall be twice the amount of the renewal fee specified.
 - (3) If a license is allowed to lapse for six (6) months or longer, the applicant for the license shall be considered a new applicant subject to appropriate provisions of this chapter.
- (e) At the time of license renewal, each applicant shall present satisfactory evidence that in the period since the license was issued, he has completed the continuing education requirements as required by the Board.

History. Acts 1999, No. 1122, § 1, Acts 1981, No. 791; § 14; A.S.A. 1947, § 71-2814.

Publisher's Notes. As to renewal by persons exempt from § 17-103-306, see Publisher's Notes to § 17-103-306.

17-103-305. Renewal, revocation, suspension -- Disciplinary proceedings.

- (a) The Board may refuse to issue or renew a license or may revoke or suspend a license under this chapter for any of the following causes or reasons:
 - (1) Violation of a provision of this chapter;
 - (2) Gross negligence in the practice of social work;
 - (3) Engaging in a course of unprofessional conduct as defined by the rules established by the Board or violation of the code of ethics made and published by the Board;
- (b) The Board shall refuse to issue or revoke the license of any person who is found guilty of or pleads guilty or nolo contendere to any offense listed in § 17-103-307(f), unless the person requests and the Board grants a waiver pursuant to 17-103-307(h).
- (c) Hearings shall be conducted by the Board. Decisions will be determined by a majority vote of the Board. All proceedings will be conducted in accordance with the Arkansas Administrative Procedure Act, as amended, § 25-15-201 et seq.

History. Acts 1999, No. 1122, § 1, Acts 1981, No. 791; § 17, 18; A.S.A. 1947, § 71-2817, 71-2818.

17-103-306. Qualifications -- Issuance.

- (a) The Board shall issue a license as "licensed social worker" to an applicant who qualifies as follows:
 - (1) Has a baccalaureate degree in a social work program accredited by the Council on Social Work Education or receives before June 17, 1986, a baccalaureate degree in a social work program from an accredited educational institution;
 - (2) Has passed an examination approved by the Board for this purpose and level of practice; and
 - (3) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in 17-103-307(f).
- (b) The Board shall issue a license as "licensed master social worker" to an applicant who qualifies as follows:
 - (1) Has a master's degree from an accredited social work program in an accredited institution approved by the Council on Social Work Education;
 - (2) Has passed an examination approved by the Board for this purpose and level of practice; and
 - (3) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any offenses listed in 17-103-307(f).
- (c) The Board shall issue a license as "licensed certified social worker" to an applicant who qualifies as follows:

- (1) Has a master's degree from an accredited social work program in an accredited institution approved by the Council on Social Work Education;
- (2) Has two (2) years of supervised social work experience in a clinical or non-clinical concentration by a licensed certified social worker licensed under this law beyond the master's degree;
- (3) Has passed an examination approved by the Board for this purpose and level of practice; and
- (4) Has applied for a criminal background check and has not been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in 17-103-307(f).

History. Acts 1999, No. 1122, § 1, Acts 1981, No. 791; § 5; A.S.A. 1947, § 71-2805.

Publisher's Notes. Acts 1981, No. 791, § 8, exempted applicants who applied prior to June 17, 1982, from certain requirements of this section as follows: (1) An applicant for the license of licensed social worker who was then employed full-time as a social worker or had a minimum of three years full-time paid experience in the field of social work was exempted from the examination and education requirements. (2) An applicant for the license of licensed master social worker was exempted from the examination requirement. (3) An applicant for the license of licensed certified social worker who was a member of the Academy of Certified Social Workers or the National Association of Social Workers or who had two years of supervised social work experience beyond the master's degree was exempted from the examination and supervision requirements. Acts 1983, No. 43, § 1, extended the exemption to applicants who met the requirements set out in (1), (2) and (3) of this note prior to June 17, 1981, and applied for license prior to October 1, 1983. It further provided that all persons so licensed shall be granted renewal licenses without meeting the qualification requirements of this section/

17-103-307. Criminal background checks.

- (a) On or after October 1, 1997, each first-time applicant for a license issued by the Social Work Licensing Board shall be required to apply to the Identification Bureau of the Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation.
- (b) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.
- (c) The applicant shall sign a release of information to the Board and shall be responsible to the Arkansas State Police for the payment of any fee associated with the criminal background check.
- (d) Upon completion of the criminal background check, the Identification Bureau of the Arkansas State Police shall forward all information obtained concerning the applicant in the commission of any offense listed in subsection (f) of this section to the Board.
- (e) At the conclusion of any background check required by this section, the Identification Bureau of the Arkansas State Police shall promptly destroy the fingerprint card of the applicant.

- (f) Except as provided in subdivision (m) (1) of this section, no person shall be eligible to receive or hold a license issued by the Board if that person has pleaded guilty or nolo contendere to, or been found guilty of, any of the following offenses by any court in the State of Arkansas, or of any similar offense by a court in another state, or of any similar offense by a federal court:
- (1) Capital murder, as prohibited in § 5-10-101;
 - (2) Murder in the first degree and second degree, as prohibited in §§ 5-10-102 and 5-10-103;
 - (3) Manslaughter, as prohibited in § 5-10-104;
 - (4) Negligent homicide, as prohibited in § 5-10-105;
 - (5) Kidnapping, as prohibited in § 5-11-102;
 - (6) False imprisonment in the first degree, as prohibited in § 5-11-103;
 - (7) Permanent detention or restraint, as prohibited in § 5-11-106;
 - (8) Robbery, as prohibited in § 5-12-102;
 - (9) Aggravated robbery, as prohibited in § 5-12-103;
 - (10) Battery in the first degree, as prohibited in § 5-13-201;
 - (11) Aggravated assault, as prohibited in § 5-13-204;
 - (12) Introduction of controlled substance into the body of another person, as prohibited in § 5-13-210;
 - (13) Terroristic threatening in the first degree, as prohibited in § 5-13-301;
 - (13) Rape and carnal abuse in the first degree, second degree, and third degree, as prohibited in §§ 5-14-103 - 5-14-106;
 - (15) Sexual indecency with a child, as prohibited in § 5-14-110;
 - (16) Sexual assault in the first degree, second degree, third degree and fourth degree, as prohibited in §§ 5-14-124 – 5-14-127;
 - (17) Incest, as prohibited in § 5-26-202;
 - (18) Offenses against the family, as prohibited in §§ 5-26-303 – 5-26-306;
 - (19) Endangering the welfare of an incompetent person in the first degree, as prohibited in § 5-27-201;
 - (20) Endangering the welfare of a minor in the first degree, as prohibited in § 5-27-203;
 - (21) Permitting abuse of a child, as prohibited in subdivisions § 5-27-221(a) (1) and (3);
 - (22) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, or pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by

producing, directing, or promoting a sexual performance by a child, as prohibited in §§ 5-27-303 - 5-27-305, 5-27-402, and 5-27-403;

- (23) Felony adult abuse, as prohibited in § 5-28-103;
 - (24) Theft of property, as prohibited in § 5-36-103;
 - (25) Theft by receiving, as prohibited in § 5-36-106;
 - (26) Arson, as prohibited in § 5-38-301;
 - (27) Burglary, as prohibited in § 5-39-201;
 - (28) Felony violation of the Uniform Controlled Substances Act, as prohibited in § 5-64-401;
 - (29) Promotion of prostitution in the first degree, as prohibited in § 5-70-104;
 - (30) Stalking, as prohibited in § 5-71-229;
 - (31) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
 - (32) Computer child pornography, as prohibited in § 5-27-603; and
 - (33) Computer exploitation of a child in the first degree, as prohibited in § 5-27-605.
- (g) (1) The Board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.
- (2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Arkansas State Police that the person holding such letter of provisional licensure has pleaded guilty or nolo contendere to, or been found guilty of, any offense listed in subsection (f) of this section, the Board shall immediately revoke the provisional license.
- (h) (1) The provisions of subsections (f) and (g) (2) of this section may be waived by the Board upon request of:
- (A) An affected applicant for licensure; or
 - (B) The person holding a license subject to revocation.
- (2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:
- (A) The age at which the crime was committed;
 - (B) The circumstances surrounding the crime;
 - (C) The length of time since the crime;
 - (D) Subsequent work history;
 - (E) Employment references;
 - (F) Character references; and

- (G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.
- (i) Any information received by the Board from the Identification Bureau of the Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for licensure, or his authorized representative, or the person whose license is subject to revocation, or his authorized representative. No record, file, or document shall be removed from the custody of the Arkansas State Police.
- (j) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.
- (k) Rights of privilege and confidentiality established herein shall not extend to any document created for purposes other than this background check.
 - (l) The Board shall adopt the necessary rules and regulations to fully implement the provisions of this section.
- (m)
 - (1) For purposes of this section, an expunged record of a conviction or plea of guilty or nolo contendere to an offense listed in subsection (f) of this section shall not be considered a conviction, guilty plea, or nolo contendere plea to the offense unless the offense is also listed in subdivision (m) (2) of this section.
 - (2) Because of the serious nature of the offenses and the close relationship to the type of work that is to be performed, the following shall result in permanent disqualification of employment;
 - (A) Capital murder, as prohibited in § 5-10-101;
 - (B) Murder in the first degree and murder in the second degree, as prohibited in §§ 5-10-102 and 5-10-103;
 - (C) Kidnapping, as prohibited in § 5-11-102;
 - (D) Rape, as prohibited in § 5-14-103;
 - (E) Sexual assault in the first degree and second degree and endangering the welfare of a minor in the second degree, as prohibited in §§ 5-14-124 and 5-14-125;
 - (F) Endangering the welfare of a minor in the first degree and endangering the welfare of a minor in the second degree, as prohibited in §§ 5-27-203 and 5-27-204;
 - (G) Incest, as prohibited in § 5-26-202;
 - (H) Arson, as prohibited in § 5-38-301;
 - (I) Endangering the welfare of incompetent person in the first degree, as prohibited in § 5-27-201; and
 - (J) Adult abuse that constitutes a felony, as prohibited in § 5-28-103.

History. Acts 2005, No. 1923, §4; Acts 2003, No. 1087, § 17; Acts 2003, No. 1384, § 1, Acts 1999, No. 1122, § 1;

17-103-308 Licensure Certificate.

- (a) A licensee under this chapter involved in independent private practice with the public shall:
 - (1) Display his or her license; and
 - (2) Immediately notify clients if his or her license expires without renewal or is suspended or revoked;
- (b) A licensee under this chapter whose license expires without renewal or is suspended or revoked shall immediately:
 - (1) Notify his or her employer, employees, and partners that he or she is no longer licensed; and
 - (2) Remove from public display his or her license certificate and license card.

History. Acts 2003, No. 1274, § 2

