

ARKANSAS BOARD OF EXAMINERS IN COUNSELING

Enabling Laws

Act 114 of 2007
A.C.A. §17-27-101

History and Organization

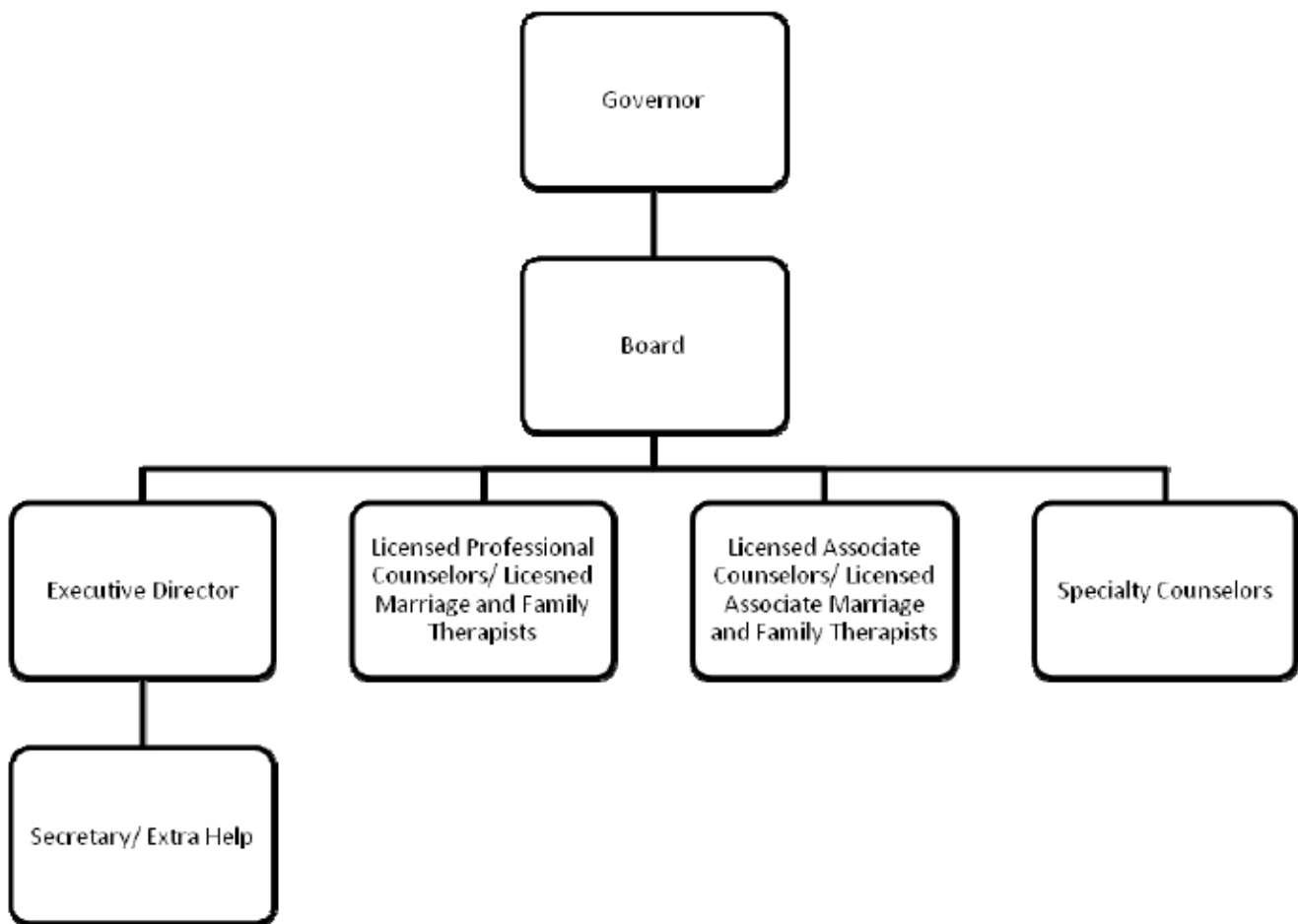
The Arkansas Board of Examiners in Counseling regulates the title and practice of Counselors and Marriage and Family Therapists in the State of Arkansas. The Board examines the credentials of those who hold the license. The Board monitors and records the supervision of each new license until the license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

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

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

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

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



Agency Commentary

The Arkansas Board of Examiners in Counseling protects the public of Arkansas and ensures the quality of Counseling and Marriage and Family Therapy services being provided to the citizens of Arkansas through regulation of title and practice of the persons licensed by the Board. Arkansas Code Annotated 17-27-101 et esq.

Increases to the Base Level Operating Expenses are requested to offset the increases in postage and gasoline expense to Board members. Lodging and food prices have increased and the requested increases in these areas are to meet current costs and anticipated market prices in 2009-2011. Rent increase is projected to increase by 20% in 2010.

The request of additional appropriation for Conventions is for the Board to send two voting delegates to one regulatory meeting of Marriage and Family Therapists and one meeting for Counseling Boards. Participation in the conferences is necessary to continue using the national tests and for more competent management of licenses with reference to portability and to the use of national ethics in regulating the practice of mental health professionals licensed by this Board.

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 STATE BOARD OF EXAMINERS IN COUNSELING

FOR THE YEAR ENDED JUNE 30, 2006

Findings	Recommendations
None	None

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

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	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 Arkansas Code Annotated § 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, Associate Marriage and Family Therapists. Arkansas Code Annotated §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 positions were changed from unclassified to classified to reflect the recommendations of the Pay Plan Study and salaries were adjusted accordingly. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Agency's Change Level requests total \$10,600 each year and reflect the following:

- Operating Expenses increase of \$11,624 each year due to increases in postage, gasoline expenses, food and lodging expenses for Board members, and the cost of rent, and to send two voting delegates to one regulatory meeting of Marriage and Family Therapists and one meeting for Counseling Boards.
- Professional Fees decrease of \$1,024 each year to offset a portion of the increases in Operating Expenses.

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		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	88,218	92,189	90,689	94,979	94,979	94,979	97,727	97,727	97,727
#Positions	3	3	3	3	3	3	3	3	3
Extra Help 5010001	825	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
#Extra Help	1	2	2	2	2	2	2	2	2
Personal Services Matching 5010003	31,352	30,185	36,106	33,465	33,465	33,465	33,981	33,981	33,981
Operating Expenses 5020002	59,881	70,338	70,338	70,338	81,962	81,962	70,338	81,962	81,962
Conference & Travel Expenses 5050009	0	0	0	0	0	0	0	0	0
Professional Fees 5060010	2,195	10,000	10,000	10,000	8,976	8,976	10,000	8,976	8,976
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	10,367	0	0	0	0	0	0	0	0
Testing Fees 5900046	0	50	50	50	50	50	50	50	50
Total	192,838	207,762	212,183	213,832	224,432	224,432	217,096	227,696	227,696
Funding Sources									
Fund Balance 4000005	250,192	294,940		335,228	335,228	335,228	369,446	358,846	358,846
Cash Fund 4000045	237,586	248,050		248,050	248,050	248,050	248,050	248,050	248,050
Total Funding	487,778	542,990		583,278	583,278	583,278	617,496	606,896	606,896
Excess Appropriation/(Funding)	(294,940)	(335,228)		(369,446)	(358,846)	(358,846)	(400,400)	(379,200)	(379,200)
Grand Total	192,838	207,762		213,832	224,432	224,432	217,096	227,696	227,696

The FY09 Budget amount in Regular Salaries exceeds the authorized amount due to salary adjustments during the 2007-2009 biennium.
The FY08 Actual amount in Capital Outlay was for a one time purchase of computer equipment as authorized in Act 114 of 2007.

Change Level by Appropriation

Appropriation: 1GE - Counseling Operations

Funding Sources: NEC - Cash in Treasury

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	213,832	3	213,832	100.0	217,096	3	217,096	100.0
C01	Existing Program	11,624	0	225,456	105.4	11,624	0	228,720	105.4
C03	Discontinue Program	(1,024)	0	224,432	105.0	(1,024)	0	227,696	104.9

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	213,832	3	213,832	100.0	217,096	3	217,096	100.0
C01	Existing Program	11,624	0	225,456	105.4	11,624	0	228,720	105.4
C03	Discontinue Program	(1,024)	0	224,432	105.0	(1,024)	0	227,696	104.9

Justification

C01	The increases in operating expenses are requested to offset the increase in postage and gasoline expenses. Lodging and food prices have increased and the requested increase is just to meet current prices and anticipated market prices in 09-11 budget. Rent increase is projected to be 20% increase during the 09-11 budget years. The Board needs to send two persons to vote at National Counseling and National Marriage and Family Conferences each year in order to keep testing and licensure approval and recognition for the state. The Board has two voting positions on the national Boards; the addition will replace the line item that was deleted for the 07-09 budget years. The requested increases are minimal for the protection of the public to carry out the mandated regulatory functions of the Board. Money for the requested increases is 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.
C03	The reduction in Professional Fees is to offset the increases requested in Operating Expenses.