

Title 17. Professions, Occupations, and Businesses
Chapter LXXIII. State Board of Examiners of Alcoholism and Drug Abuse
Counselors, Department of Health
Subchapter A. Generally
Part 391. Standards of Practice

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules of provided as follows:

"RULE 2"

Subpart 1. Generally

17 CAR § 391-101. Standards of Practice generally.

(a) All members of the State Board of Examiners of Alcoholism and Drug Abuse Counselors are required to adhere to this part and the Code of Ethics, 17 CAR pt. 390.

(b) The Standards of Practice represent minimal behavioral statements of the Code of Ethics.

(c) Members should refer to the applicable section of 17 CAR pt. 390 for further interpretation and amplification of the applicable Standard of Practice.

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-102. Counseling relationship.

(a) **Standard of Practice One (SP-1): nondiscrimination.**

(1) Counselors respect diversity and must not discriminate against clients because of:

- (A) Age;
- (B) Color;
- (C) Culture;

- (D) Disability;
- (E) Ethnic group;
- (F) Gender;
- (G) Race;
- (H) Religion;
- (I) Sexual orientation;
- (J) Marital status; or
- (K) Socioeconomic status.

(2) See 17 CAR § 390-102(a).

(b) Standard of Practice Two (SP-2): disclosure to clients.

(1) Counselors must adequately inform clients, preferably in writing, regarding the counseling process and counseling relationship at or before the time it begins and throughout the relationship.

(2) See 17 CAR § 390-103(a).

(c) Standard of Practice Three (SP-3): dual relationships.

(1) Counselors must make every effort to avoid dual relationships with clients that could impair their judgment or increase the risk of harm to clients.

(2) When a dual relationship cannot be avoided, counselors must take appropriate steps to ensure that:

- (A) Judgment is not impaired; and
- (B) No exploitation occurs.

(3) See 17 CAR § 390-106(a) and 17 CAR § 390-106(b).

(d) Standard of Practice Four (SP-4): sexual intimacies with clients.

(1) Counselors must not engage in:

- (A) Any type of sexual intimacies with current clients; and
- (B) Sexual intimacies with former clients within a minimum of two (2)

years after terminating the counseling relationship.

(2) Counselors who engage in such a relationship have the responsibility to thoroughly examine and document that such relations did not have an exploitative nature.

(e) Standard of Practice Five (SP-5): protecting clients during group work.

(1) Counselors must take steps to protect clients from physical or psychological trauma resulting from interactions during group work.

(2) See 17 CAR § 390-109(b).

(f) Standard of Practice Six (SP-6): advance understanding of fees.

(1) Counselors must explain to clients, prior to their entering the counseling relationship, financial arrangements related to professional services.

(2) See 17 CAR § 390-110(b) – 17 CAR § 390-110(e) and 17 CAR § 390-111(c).

(g) Standard of Practice Seven (SP-7): termination.

(1) Counselors must assist in making appropriate arrangements for the continuation of treatment of clients, when necessary, following termination of counseling relationships.

(2) See 17 CAR § 390-111(a).

(h) Standard of Practice Eight (SP-8): inability to assist clients.

(1) Counselors must avoid entering or immediately terminate a counseling relationship if it is determined that they are unable to be of professional assistance to a client.

(2) The counselor may assist in making an appropriate referral for the client.

(3) See 17 CAR § 390-111(b).

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-103. Confidentiality.

(a) Standard of Practice Nine (SP-9): confidentiality requirement.

(1) Counselors must keep information related to counseling services confidential unless disclosure is required by law.

(2) When disclosure is required, only information that is essential is revealed, and the client is informed of such disclosure.

(3) See 17 CAR § 390-201(a) – 17 CAR § 390-201(f) and 42 C.F.R. pt. 2.

(b) Standard of Practice Ten (SP-10): confidentiality requirements for subordinates.

(1) Counselors must take measures to ensure that privacy and confidentiality of clients are maintained by subordinates.

(2) See 17 CAR § 390-201(h).

(c) Standard of Practice Eleven (SP-11): confidentiality in group work.

(1) Counselors must clearly communicate to group members that confidentiality cannot be guaranteed in group work.

(2) See 17 CAR § 390-202(a).

(d) Standard of Practice Twelve (SP-12): confidentiality in family counseling.

(1) Counselors must not disclose information about one family member in counseling to another family member without prior consent.

(2) See 17 CAR § 390-202(b).

(e) Standard of Practice Thirteen (SP-13): confidentiality of records.

(1) Counselors must maintain appropriate confidentiality in creating, storing, accessing, transferring, and disposing of counseling records.

(2) See 17 CAR § 390-204(b).

(f) Standard of Practice Fourteen (SP-14): permission to record or observe.

(1) Counselors must obtain prior consent from clients in order to electronically record or observe sessions.

(2) See 17 CAR § 390-204(c).

(g) Standard of Practice Fifteen (SP-15): disclosure or transfer of records.

(1) Counselors must obtain client consent to disclose or transfer records to third parties unless exceptions listed in subsection (a) of this section exist.

(2) See 17 CAR § 390-204(e).

(h) Standard of Practice Sixteen (SP-16): data disguise required.

(1) Counselors must disguise the identity of the client when using data for training, research, or publication.

(2) See 17 CAR § 390-205(a).

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-104. Professional responsibility.

(a) Standard of Practice Seventeen (SP-17): boundaries of competence.

(1) Counselors must practice only within the boundaries of their competence.

(2) See 17 CAR § 390-302(a).

(b) Standard of Practice Eighteen (SP-18): continuing education.

(1) Counselors must engage in continuing education to maintain their professional competence.

(2) See 17 CAR § 390-302(f).

(c) Standard of Practice Nineteen (SP-19): impairment of professionals.

(1) Counselors must refrain from offering professional services when their personal problems or conflicts may cause harm to a client or others.

(2) See 17 CAR § 390-302(f).

(d) Standard of Practice Twenty (SP-20): accurate advertising.

(1) Counselors must accurately represent their credentials and services when advertising.

(2) See 17 CAR § 390-303(a).

(e) Standard of Practice Twenty-One (SP-21): recruiting through employment.

(1) Counselors must not use their place of employment or institutional affiliation to recruit clients for their private practices.

(2) See 17 CAR § 390-303(d).

(f) Standard of Practice Twenty-Two (SP-22): credentials claimed.

(1) Counselors must claim or imply only professional credentials possessed and must correct any known misrepresentations of their credentials by others.

(2) See 17 CAR § 390-304(a).

(g) Standard of Practice Twenty-Three (SP-23): sexual harassment.

(1) Counselors must not engage in sexual harassment.

(2) See 17 CAR § 390-305(b).

(h) Standard of Practice Twenty-Four (SP-24): unjustified gains.

(1) Counselors must not use their professional positions to seek or receive:

- (A) Unjustified personal gains;
- (B) Sexual favors;
- (C) Unfair advantage; or
- (D) Unearned goods or services.

(2) See 17 CAR § 390-305(e).

(i) Standard of Practice Twenty-Five (SP-25): clients served by others.

(1) With the consent of the client, counselors must inform other mental health professionals serving the same client that a counseling relationship between the counselor and client exists.

(2) See 17 CAR § 390-306(c).

(j) Standard of Practice Twenty-Six (SP-26): negative employment conditions.

(1) Counselors must alert their employers to institutional policy or conditions that may be potentially disruptive or damaging to the counselor's professional responsibilities or that may limit their effectiveness or deny client's rights.

(2) See 17 CAR § 390-401(c).

(k) Standard of Practice Twenty-Seven (SP-27): personnel selection and assignment.

(1) Counselors must select competent staff and must assign responsibilities compatible with staff skills and experiences.

(2) See 17 CAR § 390-401(h).

(l) Standard of Practice Twenty-Eight (SP-28): exploitive relationships with subordinates.

(1) Counselors must not engage in exploitive relationships with individuals over whom they have supervisory, evaluative, or instructional control or authority.

(2) See 17 CAR § 390-401(k).

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-105. Relationship with other professionals.

(a) **Standard of Practice Twenty-Nine (SP-29): accepting fees from agency clients.**

(1) Counselors must not accept fees or other remuneration for consultation with persons entitled to such services through the counselor's employing agency or institution.

(2) See 17 CAR § 390-403(a).

(b) **Standard of Practice Thirty (SP-30): referral fees.**

(1) Counselors must not accept referral fees.

(2) See 17 CAR § 390-403(b).

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-106. Evaluation, assessment, and interpretation.

(a) **Standard of Practice Thirty-One (SP-31): limits of competence.**

(1) Counselors must perform only testing and assessment services for which they are competent.

(2) Counselors must not allow the use of psychological assessment techniques by unqualified persons under their supervision.

(3) See 17 CAR § 390-502(a).

(b) **Standard of Practice Thirty-Two (SP-32): appropriate use of assessment instruments.**

(1) Counselors must use assessment instruments in the manner for which they were intended.

(2) See 17 CAR § 390-502(b).

(c) Standard of Practice Thirty-Three (SP-33): assessment explanations to clients.

(1) Counselors must provide explanations to clients prior to assessment about the nature and purposes of assessment and the specific uses of results.

(2) See 17 CAR § 390-503(a).

(d) Standard of Practice Thirty-Four (SP-34): recipients of test results.

(1) Counselors must ensure that accurate and appropriate interpretations accompany any release of testing and assessment information.

(2) See 17 CAR § 390-503(b).

(e) Standard of Practice Thirty-Five (SP-35): obsolete test and outdated test results.

(1) Counselors must not base their assessment or intervention decisions or recommendations on data or test results that are obsolete or outdated for the current purpose.

(2) See 17 CAR § 390-511.

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-107. Teaching, training, and supervision.

(a) Standard of Practice Thirty-Six (SP-36): sexual relationships with students or supervisees.

(1) Counselors must not engage in sexual relationships with their students and supervisees.

(2) See 17 CAR § 390-601(c).

(b) Standard of Practice Thirty-Seven (SP-37): credit for contributions to research.

(1) Counselors must give credit to students or supervisees for their contributions to research and scholarly projects.

(2) See 17 CAR § 390-601(d).

(c) Standard of Practice Thirty-Eight (SP-38): supervision preparation.

(1) Counselors who offer clinical supervision services must be trained and prepared in supervision methods and techniques.

(2) See 17 CAR § 390-601(f).

(d) Standard of Practice Thirty-Nine (SP-39): evaluation information.

(1) Counselors must clearly state to students and supervisees, in advance of training, the levels of competency expected, appraisal methods, and timing of evaluations.

(2) Counselors must provide students and supervisees with periodic performance appraisal and evaluation feedback throughout the training program.

(3) See 17 CAR § 390-602(c).

(e) Standard of Practice Forty (SP-40): peer relationships in training.

Counselors must make every effort to ensure that the rights of peers are not violated when students and supervisees are assigned to lead counseling groups or provide clinical supervision.

(f) Standard of Practice Forty-One (SP-41): limitations of students and supervisees. Counselors must:

(1) Assist students and supervisees in securing remedial assistance, when needed; and

(2) Dismiss from training program students and supervisees who are unable to provide competent service due to academic or personal limitations.

(g) Standard of Practice Forty-Two (SP-42): self-growth experiences.

(1) Counselors who conduct experiences for students or supervisees that include self-growth or self-disclosure must:

(A) Inform participants of counselors' ethical obligations to the profession;
and

(B) Not grade participants based on their nonacademic performance.

(2) See 17 CAR § 390-603(b).

(h) Standard of Practice Forty-Three (SP-43): standards for students and supervisees.

(1) Students and supervisees preparing to become counselors must adhere to the Code of Ethics, 17 CAR pt. 390, and Standards of Practice of counselors.

(2) See 17 CAR § 390-603(e).

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-108. Research and publication.

(a) Standard of Practice Forty-Four (SP-44): precautions to avoid injury in research.

(1) Counselors must avoid causing physical, social, or psychological harm or injury to subjects in research.

(2) See 17 CAR § 390-701(c).

(b) Standard of Practice Forty-Five (SP-45): confidentiality of research information.

(1) Counselors must keep confidential information obtained about research participants.

(2) See 17 CAR § 390-702(d).

(c) Standard of Practice Forty-Six (SP-46): information affecting research outcome.

(1) Counselors must report all variables and conditions known to the investigator that may have affected research data or outcomes.

(2) See 17 CAR § 390-703(a).

(d) Standard of Practice Forty-Seven (SP-47): accurate research results.

(1) Counselors must not distort or misrepresent research data nor fabricate or intentionally bias research results.

(2) See 17 CAR § 390-703(b).

(e) Standard of Practice Forty-Eight (SP-48): publication contributors.

(1) Counselors must give appropriate credit to those who have contributed to research.

(2) See 17 CAR § 390-704(a) and 17 CAR § 390-704(b).

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-109. Resolving ethical issues.

(a) Standard of Practice Forty-Nine (SP-49): ethical behavior expected.

(1) Counselors must take appropriate action when they possess reasonable cause that raises doubts as to whether counselors or other mental health professionals are acting in an ethical manner.

(2) See 17 CAR § 390-802(a).

(b) Standard of Practice Fifty (SP-50): unwarranted complaints.

(1) Counselors must not initiate, participate in, or encourage the filing of ethics complaints that are unwarranted or intended to harm a mental health professional rather than to protect clients or the public.

(2) See 17 CAR § 390-802(f).

(c) Standard of Practice Fifty-One (SP-51): cooperation with ethics committees.

(1) Counselors must cooperate with investigations, proceedings, and requirements of the Ethics Committee of the Arkansas Substance Abuse Certification Board or ethics committees of other duly constituted associations or boards having jurisdiction over those charged with a violation.

(2) See 17 CAR 390-803.

Authority. Arkansas Code § 17-27-406.

17 CAR § 391-110. Policies and procedures for responding to members' requests for interpretations of the ethical standards.

(a) Appropriate requests.

(1) State Board of Examiners of Alcoholism and Drug Abuse Counselors members may request that the Ethics Committee of the Arkansas Substance Abuse

Certification Board issue formal interpretations of the Code of Ethics, 17 CAR pt. 390, for the purpose of guiding the member's own professional behavior.

(2) Requests for interpretations will not be considered in the following situations:

(A) The individual requesting the interpretations is not a board member;

or

(B)(i) The request is intended to determine whether the behavior of another mental health professional is unethical.

(ii) In the event a board member believes the behavior of another mental health professional is unethical, the board member should resolve the issue directly with the professional, if possible, and should file an ethical complaint if appropriate.

(b) Procedures.

(1) Members must send written requests for interpretations to the committee through the board's office.

(2) Questions should:

(A) Be submitted in the following format: "Does (counselor behavior) violate Sections ___ or any other sections of the Ethical Standards?";

(B) Avoid unique details;

(C) Be general in nature to the extent possible; and

(D) Be brief.

(3) The committee staff liaison will revise the question, if necessary, and submit it to the committee co-chair for approval.

(4) The question will be sent to committee members who will be asked to respond individually.

(5) The committee co-chair will develop a consensus interpretation on behalf of the committee.

(6) The consensus interpretation will be sent to members of the committee for final approval.

(7) The formal interpretation will be sent to the member who submitted the inquiry.

(8) The question and the formal interpretation will be published in the board's newsletter, but the identity of the member requesting the interpretation will not be disclosed.

Authority. Arkansas Code § 17-27-406.