

## **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 393. Rules Governing Alcoholism and Drug Abuse Counselors**

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

"RULES GOVERNING ALCOHOLISM AND DRUG ABUSE COUNSELORS"

"(1) AUTHORITY

The SBEADAC has been authorized by the Legislature to promulgate rules. Ark. Code Ann. § 17-27-406. The SBEADAC follows the procedural requirements of the Arkansas Administrative Procedure Act, in particular Ark. Code Ann. § 25-15-203 and § 25-15-204. Additionally, the agency is required to abide by the provisions of Ark. Code Ann. § 10-3-309."

#### **Subpart 1. Generally**

##### **17 CAR § 393-101. Statement of organization and operations.**

Under enactment by the 82nd General Assembly of the State of Arkansas, 1999, the State Board of Examiners of Alcoholism and Drug Abuse Counselors was created and charged to provide for:

- (1) The licensure and registration of alcoholism and drug abuse counselors;
- and
- (2) Other purposes.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-102. Mission statement.**

The mission of the State Board of Examiners of Alcoholism and Drug Abuse Counselors is to protect the public by upholding the standards of practice for alcoholism and drug abuse counselors.

**Authority.** Arkansas Code § 17-27-406.

**Subpart 2. General Organization of the State Board of Examiners of Alcoholism and Drug Abuse Counselors**

**17 CAR § 393-201. Officers.**

(a) The officers of the State Board of Examiners of Alcoholism and Drug Abuse Counselors will be:

- (1) Chair;
- (2) Vice chair; and
- (3) Secretary/treasurer.

(b) Election of officers will be held annually.

(c) These officers shall perform the duties prescribed by:

- (1) Applicable law;
- (2) This part; and
- (3) The parliamentary authority adopted by the agency.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-202. Public meetings.**

(a) The business of the State Board of Examiners of Alcoholism and Drug Abuse Counselors will be conducted in public meetings pursuant to Robert's Rules of Order.

(b) All meetings will be conducted in conformity with the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

- (c) Regular meetings will be held at the discretion of the board.
- (d) Special meetings will be held on the:
  - (1) Call of the chair; or
  - (2) Written request of five (5) members of the board.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-203. Quorum.**

Seven (7) members of the State Board of Examiners of Alcoholism and Drug Abuse Counselors shall constitute a quorum.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-204. Committees.**

- (a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may create standing and ad hoc committees.
- (b) The board chair will select members of committees.
- (c) A quorum for the transaction of committee business is a majority of the number of voting members of the committee.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-205. Agenda.**

- (a)(1) The State Board of Examiners of Alcoholism and Drug Abuse Counselors administrator will prepare the agenda for regular and special meetings.
  - (2) The agenda will be distributed to board members.
- (b)(1) The order of the agenda items is intended to be flexible and may be adjusted to meet the needs of the board.
  - (2) Additionally, the agenda may be amended by appropriate motion.

**Authority.** Arkansas Code § 17-27-406.

### **Subpart 3. Rulemaking**

#### **17 CAR § 393-301. Initiation of rulemaking.**

(a) The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to as rulemaking) may be initiated by the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(b) Third persons outside the agency may petition for the issuance, amendment, or repeal of any rule.

**Authority.** Arkansas Code § 17-27-406.

#### **17 CAR § 393-302. Petition to initiate rulemaking.**

(a) Third parties may initiate rulemaking to adopt, amend, or repeal a rule by filing a petition with the agency to initiate rulemaking.

(b) The petition must contain the:

- (1) Name, address, and telephone number of the petitioner;
- (2) Specific rule or action requested; and
- (3) Reasons for the rule or action requested.

(c) The petition to initiate rulemaking shall be filed with the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(d)(1) Within thirty (30) days after submission of the petition, the agency will either:

- (A) Deny the petition, stating its reasons in writing; or
- (B) Initiate rulemaking.

(2) A special meeting will be called if necessary to meet this time frame.

**Authority.** Arkansas Code § 17-27-406.

## **Subpart 4. Emergency Rulemaking**

### **17 CAR § 393-401. Request for emergency rulemaking.**

(a) The proponent of a rule may request that the State Board of Examiners of Alcoholism and Drug Abuse Counselors adopt an emergency rule.

(b) In addition to the text of the proposed rule or amendment to an existing rule and any other information required by the board, the proponent will provide a written statement setting out the facts or circumstances that would support a finding of imminent peril to the public health, safety, or welfare.

**Authority.** Arkansas Code § 17-27-406.

### **17 CAR § 393-402. Finding of an emergency.**

(a) Upon receipt of the written statement requesting an emergency rulemaking and documents or other evidence submitted in support of the assertion that an emergency exists, the State Board of Examiners of Alcoholism and Drug Abuse Counselors will make an independent judgment as to whether the circumstances and facts constitute an imminent peril to the public health, safety, or welfare requiring adoption of the rule upon fewer than thirty (30) days' notice.

(b) If the board determines that the circumstances warrant emergency rulemaking, it will make a written determination that sets out the reasons for the agency's finding that an emergency exists.

(c) Upon making this finding, the board may:

- (1) Proceed to adopt the rule without prior notice or hearing; or
- (2) Determine to provide an abbreviated notice and hearing.

**Authority.** Arkansas Code § 17-27-406.

### **17 CAR § 393-403. Effective date of emergency rule.**

(a) The emergency rule will be effective immediately upon filing, or at a stated time less than thirty (30) days thereafter, if the State Board of Examiners of Alcoholism and Drug Abuse Counselors finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare.

(b) The board will file with the rule its written findings justifying the determination that emergency rulemaking is appropriate and, if applicable, the basis for the effective date of the emergency rule being less than thirty (30) days after the filing of the rule pursuant to Arkansas Code § 25-15-204(e).

(c) The board will take appropriate measures to make emergency rules known to persons who may be affected by them.

**Authority.** Arkansas Code § 17-27-406.

## **Subpart 5. Licensure Information**

### **17 CAR § 393-501. General.**

All State Board of Examiners of Alcoholism and Drug Abuse Counselors action regarding licensure shall be governed by Arkansas Code § 17-27-401 et seq.

**Authority.** Arkansas Code § 17-27-406.

### **17 CAR § 393-502. Requirement to keep current addresses on file.**

(a) All persons holding a license or permit issued by the State Board of Examiners of Alcoholism and Drug Abuse Counselors are required to provide the board with information so that the board can remain in contact and provide notice of complaints and/or hearings.

(b) The licensee or permit holder is required to provide written notice to the board of any change in business and/or residence address within ten (10) working days of the change.

(c) Service of notices of hearing sent by certified mail will be addressed to the latest address on file with the board.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-503. Levels of licensure.**

(a) A two-tier licensure system is currently available.

(b) The most significant difference in level of licensure relates to the level of education:

(1) Licensed alcoholism and drug abuse counselor holds a master's degree in the health or behavioral sciences field or other appropriate field from an accredited college or university; and

(2) Licensed associate alcoholism and drug abuse counselor holds a baccalaureate degree in the health or behavioral sciences field or other appropriate field from an accredited college or university.

(c) All applications are reviewed by the Credentialing Committee and presented to the State Board of Examiners of Alcoholism and Drug Abuse Counselors for approval at the next regularly scheduled meeting following receipt of all required documents.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-504. Applying for licensure.**

(a) All applications for licensure must be post marked to:

Department of Health  
State Board of Examiners of Alcoholism and Drug Abuse Counselors  
4815 W. Markham Street  
Box 42A  
Little Rock, AR 72205

(b) Hand delivered application packets will not be accepted.

(c) The following are the requirements for licensure and the required documentation that must be submitted to the Credentialing Committee of the State Board of Examiners of Alcoholism and Drug Abuse Counselors:

(1) The applicant must be twenty-one (21) years of age or older;

(2) The applicant must submit either a copy of a:

(A) Valid driver's license; or

(B) Birth certificate;

(3)(A) The applicant must hold a:

(i) Master's degree or higher; or

(ii) Baccalaureate degree.

(B) The applicant must submit an official transcript, which must be mailed directly from the college or university to:

Department of Health  
State Board of Examiners of Alcoholism and Drug Abuse  
Counselors

4815 W. Markham  
Box 42A  
Little Rock, AR 72205;

(4)(A) The applicant must verify three (3) years of supervised work experience in the field of substance abuse and mental health.

(B)(i) The applicant may be able to use internship, practicum, or volunteer experience hours.

(ii) To meet this experience requirement, applicant must be able to show work experience in a facility that is licensed and/or accredited as a substance use disorder (SUD) treatment program or work under the supervision of a supervisor with credential specific to SUD treatment.

(C)(i) Applicant must be in the practice of SUD treatment in all or part of the twelve (12) months preceding application or, at minimum, an applicant not in SUD practice in the twelve (12) months preceding application will be required to complete six (6) hours of professional ethics training.

(ii) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may require additional training hours.

(D)(i) All documentation and work experience submitted with application will be reviewed by the board for consistency with board requirements for licensure.

(ii) If you cannot meet all these requirements, you will need to make application for licensure at the board's website, [www.sbeadac.org](http://www.sbeadac.org);

(5)(A) The applicant must successfully complete a minimum of two hundred seventy (270) clock hours of approved education.

(B) Approved education must be directly related to alcoholism and/or drug abuse counseling subjects, theory, practice, or research.

(C) All education hours are subject to review and approval by the Credentialing Committee;

(6)(A) The applicant must submit a completed registration application form, which shall be provided by the board.

(B) The registration application form can be accessed through the board's website at [www.sbeadac.org](http://www.sbeadac.org);

(7)(A) The applicant shall submit a notarized Statement of Agreement that certifies under penalty of perjury that all education and experience requirements have been met.

(B) It is strongly recommended that both the applicant and approved supervisor maintain detailed record of supervision topics, timeline, and job duties for the required minimum period of three (3) years.

(C) The board reserves the right to call for such record as needed for confirmation or in matters of dispute.

(D) The Statement of Agreement can be accessed through the board's website at [www.sbeadac.org](http://www.sbeadac.org);

(8)(A) The applicant must submit a signed written agreement to abide by the Code of Ethics, 17 CAR pt. 390.

(B) The Code of Ethics and a verification page can be accessed through the board's website at [www.sbeadac.org](http://www.sbeadac.org);

(9) The applicant must submit three (3) letters of reference;

(10)(A) The applicant must submit a Supervision Verification form provided by the board.

(B) Detailed supervision record (see subdivision (c)(7) of this section) to be maintained by applicant and supervisor and made available to the board when requested must include supervisor's observation of applicant's ethical demonstration of the twelve (12) core functions in a SUD or co-occurring disorder treatment program.

(C) The Supervision Verification form can be accessed through the board's website;

(11)(A) The applicant must submit a Supervised Work Experience form provided by the board.

(B) Detailed work experience that includes specific duties performed under each job title must be kept by applicant and supervisor (see subdivision (c)(7) of this section) ready for submission when requested by the board.

(C) The Supervised Work Experience form can be accessed through the board's website;

(12)(A) The applicant must remit the appropriate fee of:

(i) Two hundred sixty-five dollars (\$265) for an LADAC; or

(ii) Two hundred fifteen dollars (\$215) for an LAADAC.

(B) The check or money order shall be made payable to the board; and

(13) The applicant must pass a national qualifying written examination prescribed by the board, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession.

**Authority.** Arkansas Code §§ 17-27-406, 17-27-409, 17-27-413.

**Codification Notes.** "LADAC" means licensed alcoholism and drug abuse counselor.

"LAADAC" means licensed associate alcoholism and drug abuse counselor.

**17 CAR § 393-505. Prelicensure criminal background check.**

(a) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of:

(1) Whether the individual's criminal record will disqualify the individual from licensure; and

(2) Whether a waiver may be obtained.

(b) The individual must obtain the prelicensure criminal background check petition from the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(c) The board will respond with a decision in writing to a completed petition within a reasonable time.

(d) The board's response will state the reason or reasons for the decision.

(e) All decisions of the board in response to the petition will be determined by the information provided by the individual.

(f) Any decision made by the board in response to a prelicensure criminal background check petition is not subject to appeal.

(g) The board will retain a copy of the petition and response, and it will be reviewed during the formal application process.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-506. Waiver request.**

(a) If an individual has been convicted of an offense listed in Arkansas Code § 17-3-102(a) or (e), the State Board of Examiners of Alcoholism and Drug Abuse Counselors may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by an:

(1) Affected applicant for a license; or

(2) Individual holding a license subject to revocation.

(b) The board may grant a waiver upon consideration of the following, without limitation:

(1) The age at which the offense was committed;

(2) The circumstances surrounding the offense;

(3) The length of time since the offense was committed;

(4) Subsequent work history since the offense was committed;

(5) Employment references since the offense was committed;

(6) Character references since the offense was committed;

(7) Relevance of the offense to the occupational license; and

(8) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

(c) A request for a waiver, if made by an applicant, must:

(1) Be in writing; and

(2) Accompany the completed application and fees.

(d)(1) The board will:

(A) Respond with a decision in writing; and

(B) State the reasons for the decision.

(2) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-507. Workforce Expansion Act of 2021, Acts 2021, No. 725.**

The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall waive the initial licensing fee if the applicant:

(1) Is receiving assistance through the:

(A) Arkansas Medicaid Program;

(B) Supplemental Nutrition Assistance Program;

- (C) Special Supplemental Nutrition Program for Women, Infants, and Children;
  - (D) Temporary Assistance for Needy Families Program; or
  - (E) Lifeline Assistance Program;
- (2) Was approved for unemployment within the last twelve (12) months; or
- (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-508. Acts 2021, No. 746 — Work permit.**

The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit”.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-509. Uniformed service members licensure.**

(a) As used in this section:

(1) “Uniformed service member” means an:

(A) Active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard;

(B) Active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) Active or reserve component member of the United States Commissioned Corps of the Public Health Service; and

(2) "Uniformed service veteran" means a former member of the uniformed services of the United States discharged under circumstances other than dishonorable.

(b) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the United States and is:

(1) A uniformed service member stationed in the State of Arkansas;

(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of:

(A) A person under subdivision (b)(1) or (b)(2) of this section;

(B) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(C) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(c) The board shall grant such automatic licensure upon receipt of all the below:

(1) Payment of the initial licensure fee;

(2) Evidence that the individual holds a license with a similar scope of practice in another state; and

(3) Evidence that the applicant is a qualified applicant under subsection (b) of this section.

(d) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(e) A (full/partial) exemption from continuing education requirements will be allowed for a deployed uniformed service member or spouse until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(f) The board shall accept relevant and applicable uniformed service education, training, national certification, or service-issued credential toward licensure qualifications or requirements when considering an application for initial licensure of an individual listed in Arkansas Code § 17-4-104.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-510. Automatic occupational licensure.**

(a) "Automatic occupational licensure" means the granting of occupational licensure to an applicant who establishes residency in this state without the individual's having met occupational licensure requirements provided:

- (1) Under Title 17 of the Arkansas Code; or
- (2) By this part.

**(b) Automatic Occupational Licensure for Out-of-State Licensure Act, Arkansas Code § 17-7-101 et seq.**

(1) An applicant shall be eligible for automatic occupational licensure if:

(A) The applicant is either:

(i) In good standing for at least (1) year for a licensed alcohol and drug abuse counselor or a licensed associate alcohol and drug abuse counselor license with similar scope of practice issued by another state, territory, or district of the United States; or

(ii) Has worked for at least three (3) years in the licensed alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor occupation in another state, territory, or district of the United States that does not use a licensed alcohol and drug abuse counselor or a licensed associate alcohol and drug abuse counselor licensure to regulate the licensed alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor occupation for which the applicant is applying;

(B) The applicant does not have a disqualifying criminal offense under Arkansas Code § 17-3-102 or under any additional state law relating to the licensed

alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor licensure;

(C) The applicant does not have a complaint, allegation, or investigation pending in his or her occupational activity in this state or in the state of the applicant's previous residency where the licensed alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor licensure was granted; and

(D) The applicant passes an examination specific to relevant state laws that regulate the licensed alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor occupation.

(2) The Department of Health may waive the requirement for the applicant to pass an examination specific to relevant state laws that regulate the licensed alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor occupation if the department finds that:

(A) The combination of the applicant's education, training, and experience is a sufficient substitute for the state law examination requirement; and

(B) A waiver by the department will not harm public health, safety, or welfare.

(3) Upon the applicant being granted automatic occupational licensure, the applicant shall:

(A) Meet all other licensed alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor licensure requirements; and

(B) Meet all renewal requirements of the licensed alcohol and drug abuse counselor or licensed associate alcohol and drug abuse counselor licensure, including without limitation continuing education hours.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-511. Reciprocity under Acts 2019, Nos. 426 and 1011.**

(a) **Legislative intent.**

(1) It is the intent of the General Assembly to ensure that an individual may be credentialed to work in Arkansas if he or she generally demonstrates the skills and ethics required by state law based on the individual's experience and credentials in another state.

(2) It is not the intent of the General Assembly to cause the licensing entity to engage in simple comparisons of the required hours of training and other personal qualifications under Arkansas's occupational licensing statutes with those qualifications required in the state where the individual is credentialed.

**(b) Reciprocity under Acts 2019, No. 1011, to be codified as Arkansas Code § 17-1-108(c) and (d)(1)(A).**

(1) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(A)(i) The applicant shall hold a substantially similar license in another United States jurisdiction.

(ii) A license from another state is substantially similar to an Arkansas LADAC or LAADAC license if the other state's licensure qualifications require:

(a) For a licensed alcoholism and drug abuse counselor, holds a master's degree in the health or behavioral sciences field or other appropriate field from an accredited college or university; or

(b) For a licensed associate alcoholism and drug abuse counselor holds a baccalaureate degree in the health or behavioral sciences field or other appropriate field from an accredited college or university.

(iii) The applicant shall hold his or her occupational licensure in good standing.

(iv) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics.

(v) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(B) The applicant shall be sufficiently competent in the field of substance use disorder; and

(C) Applicant must provide identification consisting of:

- (i) Valid driver's license; or
- (ii) Birth certificate.

**(2) Required documentation.**

(A) An applicant shall submit:

- (i) A fully executed application;
- (ii) The required fee; and
- (iii) The documentation described below.

(B) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(i)(a) Evidence of current and active licensure in that state.

(b) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may verify this information:

(1) Online, if the jurisdiction at issue provides primary source verification on its website; or

(2) By telephone to the other state's licensing board; and

(ii)(a) Evidence that the other state's licensure requirements match those listed in subdivision (b)(1)(A)(ii)(a) of this section.

(b) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may verify this information:

(1) Online; or

(2) By telephone to the other state's licensing board.

(C) To demonstrate that the applicant meets the requirement in subdivisions (b)(1)(A)(iii) – (b)(1)(A)(v) of this section, the applicant shall provide the State Board of Examiners of Alcoholism and Drug Abuse Counselors with:

(i) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(ii)(a) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant:

(1) Has not had his or her license revoked for the reasons listed in subdivision (b)(1)(A)(iv) of this section; and

(2) Does not hold a license on suspended or probationary status as described in subdivision (b)(1)(A)(v) of this section.

(b) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.

(D) As evidence that the applicant is sufficiently competent in the field of substance use disorder treatment, an applicant shall:

(i) Provide proof of having taken and passed a nationally qualifying written examination;

(ii) Submit three (3) letters of recommendation from professional sources; and

(iii) Provide an unopened college transcript to the State Board of Examiners of Alcoholism and Drug Abuse Counselors at time of application.

**(c) Temporary and provisional license.**

(1) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall issue a temporary and provisional license immediately upon receipt of the:

(A) Application;

(B) Required fee; and

(C) Documentation required under subdivisions (b)(2)(B)(i) and (b)(2)(B)(ii) of this section.

(2) The temporary and provisional license shall be effective until the State Board of Examiners of Alcoholism and Drug Abuse Counselors makes a decision on the application, unless the State Board of Examiners of Alcoholism and Drug Abuse Counselors determines that the applicant does not meet the requirements in

subdivisions (b)(1)(A) and (b)(1)(B) of this section, in which case the temporary and provisional license shall be immediately revoked.

(3) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

**(d) License for person from a state that does not license profession — Acts 2019, No. 1011, to be codified as Arkansas Code § 17-1-108(d)(2).**

(1) **Required qualifications.** An applicant from a state that does not license alcohol and drug abuse counselors shall meet the following requirements:

(A) The applicant shall be sufficiently competent in the field of substance use disorder treatment; and

(B) Provide an unopened college transcript to the State Board of Examiners of Alcoholism and Drug Abuse Counselors at time of application.

**(2) Required documentation.**

(A) An applicant shall submit:

(i) A fully executed application;

(ii) The required fee; and

(iii) The documentation described below.

(B) As evidence that the applicant is sufficiently competent in the field of substance use disorder treatment, an applicant shall:

(i) Provide proof of having taken and passed a nationally qualifying written examination;

(ii) Submit three (3) letters of recommendation from professional sources; and

(iii) Provide an unopened college transcript to the State Board of Examiners of Alcoholism and Drug Abuse Counselors at time of application.

**(e) Reciprocity and state-specific education — Acts 2019, No. 1011, to be codified as Arkansas Code § 17-1-108(d)(3).**

(1) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall require an applicant to have a master's degree in the health or behavioral science

field or other appropriate field from an accredited college or university for an LADAC, or bachelor's degree in the health or behavioral science field or other appropriate field from an accredited college or university for an LAADAC, if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity to out-of-state applicants in Arkansas Code § 17-1-108.

(2) Reciprocity in another state will be considered similar to reciprocity under Arkansas Code § 17-1-108 if the reciprocity provisions in the other state:

(A) Provide the least restrictive path to licensure for Arkansas applicants;

(B) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain licensure; and

(C) Do not require Arkansas applicants to take state-specific education unless required under the same conditions described in Arkansas Code § 17-1-108.

(f)(1) All documentation and work experience submitted with an application will be reviewed by the State Board of Examiners of Alcoholism and Drug Abuse Counselors for consistency with its requirements for licensure.

(2) If you cannot meet all of these requirements, you will need to make application for licensure at the State Board of Examiners of Alcoholism and Drug Abuse Counselors website, [www.sbeadac.org](http://www.sbeadac.org).

**Authority.** Arkansas Code § 17-27-406.

**Codification Notes.** "LADAC" means licensed alcoholism and drug abuse counselor.

"LAADAC" means licensed associate alcoholism and drug abuse counselor.

**17 CAR § 393-512. Applying for relicensure.**

(a) Counselors applying for relicensure must submit the following in one (1) packet addressed to:

Department of Health  
State Board of Examiners of Alcoholism and Drug Abuse Counselors  
4815 W. Markham  
Box 42A  
Little Rock, AR 72205

(b) The counselor shall submit the:

- (1) Biennial renewal fee; and
- (2) Licensure Renewal Form.

(c) The biennial renewal fees shall be as follows:

License	Date submitted by:	Amount	License	Date submitted by:	Amount
LADAC	Dec. 31	\$250	LAADAC	Dec. 31	\$200
	Jan. 31	\$300		Jan. 31	\$250
	Feb. 29	\$350		Feb. 29	\$300
	Mar. 31	\$400		Mar. 31	\$350
	April 30	\$450		April 30	\$400

(d) To avoid possible delays in processing your license, it is preferable that all renewal material and fees be submitted by November 1 of the year prior to the renewal year.

(e)(1) The counselor shall submit the Continuing Education Documentation Form, which shall be provided by the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(2) A copy of the Continuing Education Documentation Form can be accessed at [www.sbeadac.org](http://www.sbeadac.org).

(3) See 17 CAR § 393-513 for continuing education requirements for relicensure.

(f)(1) The counselor shall submit the Contact Information Form, which shall be provided by the board.

(2) A copy of the Contact Information Form can be accessed at [www.sbeadac.org](http://www.sbeadac.org).

(g) Failure to pay the biennial renewal fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent.

(h)(1) If all licensure renewal materials and fees are not submitted by December 31 of the year prior to the year for which the license is being renewed, the counselor's license expires, effective December 31 of that year.

(2) Unless your license is renewed by December 31, the counselor's license will automatically be suspended until all delinquent materials are submitted and approved by the board.

(3) If your license is not submitted and approved by the board.

(4) If your license is not reinstated within four (4) months, you must apply as a new applicant.

(i) A counselor who practices while his or her license is suspended is in violation of Acts 2009, No. 443.

**Authority.** Arkansas Code §§ 17-27-406, 17-27-409, 17-27-413.

**Codification Notes.** "LADAC" means licensed alcoholism and drug abuse counselor.

"LAADAC" means licensed associate alcoholism and drug abuse counselor.

**17 CAR § 393-513. Continuing education.**

(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors requires that, during the two-year licensure cycle, a counselor obtain forty (40) hours of continuing education.

(b)(1) No license shall be renewed unless the renewal application is accompanied by evidence satisfactory to the State Board of Examiners of Alcoholism and Drug Abuse Counselors of completion during the previous twenty-four (24) months of relevant professional or continuing education experience.

(2) Of the forty (40) hours required, a minimum of twenty (20) hours must be specific to addiction counseling or co-occurring disorders.

(3) No more than fifty percent (50%) of the total requisite hours may be obtained through online courses.

(4) In addition, licensees may fulfill one (1) hour of continuing education credit with the performance of eight (8) hours of volunteer services performed pursuant to Arkansas Code § 20-8-804.

(5) However, licensees shall not obtain more than thirty-two (32) hours of credits in this manner.

(c) The following is a list of approved sponsors for continuing education that will be accepted by the State Board of Examiners of Alcoholism and Drug Abuse Counselors:

- (1) Arkansas Substance Abuse Certification Board;
- (2) Arkansas Association of Alcoholism and Drug Abuse Counselors;
- (3) The University of Arkansas at Little Rock MidSOUTH Summer School and MidSOUTH Addiction Training Network;
- (4) Arkansas Mental Health Counselors Association;
- (5) Veterans Administration;
- (6) NAADAC, the Association for Addiction Professionals;
- (7) National Board for Certified Counselors;
- (8) National Association of Social Workers; and
- (9) American Psychological Association.

(d)(1) All other continuing education courses not sponsored by the above would require prior approval by the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(2) The burden of proof for validating the quality/quantity of education hours would be shared by the counselor and the education services provider.

**Authority.** Arkansas Code § 17-27-406.

### **17 CAR § 393-514. Adjudicative hearings.**

#### **(a) Scope of this section.**

(1) This section applies in all administrative adjudications conducted by the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(2) This procedure is developed to provide a process by which the board formulates orders (for example, an order revoking a license to practice).

(b) **Authority of the board.** The board may deny, revoke, or suspend any license, registration, or certificate upon proof that the person has:

(1) Willfully or repeatedly violated any of the provisions of Arkansas Code § 17-27-401 et seq., or any rule promulgated by the board; or

(2) Practiced outside the scope of practice for which he or she is licensed or certified under Arkansas Code § 17-27-401 et seq.

#### **(c) Appearances.**

(1) Any party appearing in any agency proceeding has the right, at his or her own expense, to be represented by counsel.

(2) The respondent may appear in his or her own behalf.

(3) Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.

(4) Service on counsel of record is the equivalent of service on the party represented.

(5) On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.

(d) **Consolidation.** If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation:

(1) Would promote the just, speedy, and inexpensive resolution of the proceedings; and

(2) Would not unduly prejudice the rights of a party.

(e) **Service of papers.** Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding shall be served on each party or the party's representative at the last address of record.

(f) **Initiation and notice of hearing.**

(1) An administrative adjudication is initiated by the issuance by the board of a notice of hearing.

(2)(A) The notice of hearing will be sent to the respondent by United States mail, return receipt requested, delivery restricted to the named recipient or his or her agent.

(B) Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the board.

(3) Notice will be mailed at least thirty (30) days before the scheduled hearing.

(4) The notice will include a:

(A) Statement of the time, place, and nature of the hearing;

(B) Statement of the legal authority and jurisdiction under which the hearing is being held; and

(C) Short and plain statement of the matters of fact and law asserted.

(g) **Proceedings.** The person charged:

(1) May appear in person or by counsel, testify, produce evidence and witnesses on his or her behalf, and cross-examine witnesses; and

(2) Is entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

(h) **Subpoenas.**

(1)(A) At the request of any party, the agency shall issue subpoenas for the attendance of witnesses at the hearing.

(B) The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.

(2)(A) A subpoena may be served by any person:

(i) Specified by law to serve process; or

(ii) Who is not a party and who is eighteen (18) years of age or older.

(B) Delivering a copy to the person named in the subpoena shall make service.

(C) Proof of service may be made by affidavit of the person making service.

(D) The party seeking the subpoena shall:

(i) Have the burden of obtaining service of the process; and

(ii) Be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45 of the Arkansas Rules of Civil Procedure.

(E) The witness must be served at least two (2) days prior to the hearing.

(F) For good cause shown, the board may authorize the subpoena to be served less than two (2) days before the hearing.

(3) Any motion to quash or limit the subpoena shall:

(A) Be filed with the agency; and

(B) State the grounds relied upon.

(4) The board may invoke the aid of the circuit court for the county in which the hearing is held to enforce compliance with its subpoena.

(i) **Continuances.**

(1) The board's chair may grant a continuance of hearing for good cause shown.

(2) Requests for continuances will be made in writing.

(3)(A) In determining whether to grant a continuance, the chair may consider:

- (i) Prior continuances;
- (ii) The interests of all parties;
- (iii) The likelihood of informal settlements;
- (iv) The existence of an emergency;
- (v) Any objection;
- (vi) Any applicable time requirement;
- (vii) The existence of a conflict of the schedules of counsel, the parties, or witnesses;
- (viii) The time limits of the request; and
- (ix) Other relevant factors.

(B) The chair may require documentation of any grounds for continuance.

(j) **Default.** If a party fails to appear or participate in an administrative adjudication after proper service of notice, the board may proceed with the hearing and render a decision in the absence of the party.

(k) **Final order.**

(1) The board will serve on the respondent a written order that reflects the action taken by the agency.

(2) The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to issues of the case.

(3) It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.

**Authority.** Arkansas Code § 17-27-406.

### **17 CAR § 393-515. Actions taken upon license.**

(a) **Denial of license.**

(1) If a preliminary determination is made that an application should be denied, the State Board of Examiners of Alcoholism and Drug Abuse Counselors will inform the applicant of the opportunity for a hearing on the application.

(2)(A) The grounds or basis for the proposed denial of a license will be set forth in writing by the board.

(B) Any hearing on the denial of a license will be conducted in accordance with Arkansas Code §§ 25-15-208 and 25-15-213.

**(b) Suspension, revocation, annulment, or withdrawal.**

(1) Prior to the entry of a final order to suspend, revoke, annul, or withdraw a license, or to impose other sanctions upon a licensee, the board will serve the licensee a notice of hearing in the manner set forth herein above and in Arkansas Code § 25-15-208.

(2) The board has the burden of proving the alleged facts and violations of law stated in the notice.

**(c) Emergency action.**

(1)(A) If the agency finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the board can summarily suspend, limit, or restrict a license.

(B) The notice requirement in (b)(1) will not prevent a hearing at the earliest time practicable.

(2)(A) An emergency order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the board.

(B) The written order must include notification of the notice of hearing, which contains the date on which the board proceedings are scheduled for completion.

(3)(A) The written emergency order will be immediately delivered to persons who are required to comply with the order.

(B) One (1) or more of the following procedures will be used:

(i) Personal delivery;

(ii) Certified mail, return receipt requested, to the last address on file with the agency;

- (iii) First class mail to the last address on file with the board; or
- (iv) Fax may be used as the sole method of delivery if the person

required to comply with the order has:

- (a) Filed a written request that board orders be sent by fax; and
- (b) Provided a fax number for that purpose.

(C) Unless the written emergency order is served by personal delivery on the same day that the order issues, the board shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

(D) Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph IX.3. of this rule, the board must initiate a formal suspension or revocation proceeding.

(d) **Voluntary surrender of license.** The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the board's determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

(e) **Duty of sanctioned professional.** In every case in which a license is revoked, suspended, or surrendered, within thirty (30) days, the licensee shall:

- (1) Return his or her license and any license pocket cards to the board office;
- (2) Notify all of his or her clients in writing that his or her license has been revoked, suspended, or surrendered;
- (3) Notify all clients to make arrangements for other professional services, calling attention to any urgency in seeking the substitution of another licensed professional;
- (4) Deliver to all clients any papers or property to which they are entitled, or notify the client of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (5) Refund any part of the fees paid in advance that has not been earned;
- (6) Keep and maintain a record of the steps taken to accomplish the foregoing;

(7)(A) File with the board a list of all other state, federal, and administrative jurisdictions by which he or she is licensed.

(B) Upon such filing, the board will notify those entitled of the revocation, suspension, or surrender; and

(8)(A) The professional shall, within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the agency that he or she has fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her noncompliance.

(B) Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-516. Reinstatement after suspension.**

(a) An order suspending a license may provide that a person desiring reinstatement may file with the chair of the State Board of Examiners of Alcoholism and Drug Abuse Counselors a verified petition requesting reinstatement.

(b) The petition for reinstatement must set out the following:

(1) That the individual has fully and promptly complied with the requirements of section IX.5. of these rules pertaining to the duty of a sanctioned professional;

(2) That the individual has refrained from practicing in this profession during the period of suspension;

(3) That the individual's license fee is current or has been tendered to the State Board of Examiners of Alcoholism and Drug Abuse Counselors; and

(4) That the individual has fully complied with any requirements imposed as conditions for reinstatement.

(c) Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.

(d) Failure to comply with the provisions of sections IX.5. of this Rule precludes consideration for reinstatement.

(e) No individual will be reinstated unless the board approves reinstatement by majority vote.

**Authority.** Arkansas Code § 17-27-406.

**17 CAR § 393-517. Relicensure for revoked or surrendered license.**

(a) No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(b) The applicant bears the burden of proof that he or she:

- (1) Is rehabilitated following the revocation or surrender of his or her license;
- (2) Can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare; and
- (3) Is otherwise qualified for the license pursuant to Arkansas Code § 17-27-401 et seq.

(c) The agency may impose any appropriate conditions or limitations on a license to protect the public health, safety, and welfare.

(d) The person seeking relicensure must pass a national qualifying written examination prescribed by the board, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession.

**Authority.** Arkansas Code § 17-27-406.