

**ARKANSAS BOARD OF EXAMINERS FOR  
ALCOHOLISM AND DRUG ABUSE COUNSELORS**

**RULE 4**

**RULES GOVERNING ALCOHOLISM AND DRUG ABUSE COUNSELORS**

**I. 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 (SBEADAC) was created and charged to provide for the licensure and registration of Alcoholism and Drug Abuse Counselors; and for other purposes.

**II. 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.

**III. GENERAL ORGANIZATION OF THE STATE BOARD OF EXAMINERS OF ALCOHOL AND DRUG ABUSE COUNSELORS**

**(1) OFFICERS**

The officers of the agency will be Chairperson, Vice Chairperson, and Secretary/Treasurer. Election of officers will be held annually. These officers shall perform the duties prescribed by applicable law, this rule, and the parliamentary authority adopted by the agency.

**(2) PUBLIC MEETINGS**

The business of the agency will be conducted in public meetings pursuant to Robert's Rules of Order. All meetings will be conducted in conformity with the Arkansas Freedom of Information Act. Regular meetings will be held at the discretion of the Board. Special meetings will be held on the call of the Chair or upon the written request of five (5) members of the Board.

**(3) QUORUM**

Seven members of the Board shall constitute a quorum.

**(4) COMMITTEES**

The Board may create standing and ad hoc committees. The Board Chairman will select members of committees. A quorum for the transaction of committee business is a majority of the number of voting members of the committee.

## **(5) AGENDA**

The Board Administrator will prepare the agenda for regular and special meetings. The agenda will be distributed to Board members.

The order of the agenda items is intended to be flexible and may be adjusted to meet the needs of the Board. Additionally, the agenda may be amended by appropriate motion.

## **IV. RULE MAKING**

### **(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.

### **(2) INITIATION OF RULE-MAKING**

The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to as “rule-making”) may be initiated by the SBEADAC. Third persons outside the agency may petition for the issuance, amendment, or repeal of any rule.

### **(3) PETITION TO INITIATE RULE-MAKING**

Third parties may initiate rule-making to adopt, amend, or repeal a rule by filing a petition with the agency to initiate rule-making. The petition must contain the name, address, and telephone number of the petitioner, the specific rule or action requested the reasons for the rule or action requested.

The petition to initiate rule-making shall be filed with the SBEADAC.

Within thirty (30) days after submission of the petition, the agency will either deny the petition, stating its reasons in writing, or will initiate rule-making. A special meeting will be called if necessary to meet this time frame

## **V. EMERGENCY RULE-MAKING**

### **A. REQUEST FOR EMERGENCY RULE-MAKING**

The proponent of a rule may request that SBEADAC adopt an emergency rule. In addition to the text of the proposed rule or amendment to an existing rule and any other information required by SBEADAC, 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.

## B. FINDING OF AN EMERGENCY

Upon receipt of the written statement requesting an emergency rule-making and documents or other evidence submitted in support of the assertion that an emergency exists, the agency 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. If the SBEADAC determines that the circumstances warrant emergency rule-making, it will make a written determination that sets out the reasons for the agency's finding that an emergency exists. Upon making this finding, the agency may proceed to adopt the rule without prior notice or hearing, or it may determine to provide an abbreviated notice and hearing.

## C. EFFECTIVE DATE OF EMERGENCY RULE

The emergency rule will be effective immediately upon filing, or at a stated time less than thirty (30) days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The SBEADAC will file with the rule its written findings justifying the determination that emergency rule-making 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 Ark. Code Ann. § 25-15- 204(e). The SBEADAC will take appropriate measures to make emergency rules known to persons who may be affected by them.

# VI. LICENSURE INFORMATION

## A. GENERAL

All SBEADAC action regarding licensure shall be governed by Ark. Code Ann. § 17- 27-401 *et seq.*

## B. REQUIREMENT TO KEEP CURRENT ADDRESSES ON FILE

All persons holding a license or permit issued by the SBEADAC are required to provide the agency with information so that the agency can remain in contact and provide notice of complaints and/or hearings. 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. Service of notices of hearing sent by certified mail will be addressed to the latest address on file with the agency.

## C. LEVELS OF LICENSURE

A two-tier licensure system is currently available. The most significant difference in level of licensure relates to the level of education:

**(1) Licensed Alcoholism and Drug Abuse Counselor (LADAC) – holds**

a master's degree in the health or behavioral sciences field or other appropriate field from an accredited college or university;

- (2) **Licensed Associate Alcoholism and Drug Abuse Counselor (LAADAC)** – holds a baccalaureate degree in the health or behavioral sciences field or other appropriate field from an accredited college or university;

All applications are reviewed by the Credentialing Committee and presented to the Board for approval at the next regularly scheduled meeting following receipt of all required documents.

#### **D. QUALIFICATIONS AND STANDARDS FOR REGISTERED CLINICAL SUPERVIORS**

To qualify as a registered clinical supervisor, a counselor must:

- (1) Be a licensed Alcoholism and Drug Abuse Counselor (LADAC) in good standing;
  - (a) Possess three (3) years' experience providing clinical supervision in a treatment setting that provides addiction counseling;
  - (b) Complete six (6) hours of targeted training in each of the following six (6) domains of clinical supervision as specified by The International Certification & Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc. (ICRC/AODA):
    - a. Domain 1. "Counselor Development"
    - b. Domain 2. "Professional and Ethical Standards"
    - c. Domain 3. "Program Development and Quality Assurance"
    - d. Domain 4. "Performance Evaluation"
    - e. Domain 5. "Administration"
    - f. Domain 6. "Treatment Knowledge", and
  - (c) Counselor must pass CS (Clinical Supervision) exam.
  - (d) Furnish documentation of the above qualifications to the Board.

(2) Upon successful completion of the above requirements the applicant will be granted the title of "Registered Clinical Supervisor".

(3) Each Registered Clinical Supervisor must complete six (6) hours of clinical supervision training during each two (2) year licensing cycle in order to maintain their Registered Clinical Supervisor status.

#### **E. APPLYING FOR LICENSURE**

All applications for licensure must be post marked to: AR Dept. of Health,

SBEADAC, 4815 W. Markham Street, Box 42A, Little Rock, AR 72205. Hand delivered application packets will not be accepted.

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

- (1) The Applicant must be twenty-one (21) years of age or older.
- (2) Applicant must submit either a copy of a valid driver's license or a copy of a birth certificate.
- (3) The Applicant must hold a (1) masters' degree or higher; (2) a baccalaureate degree.

The Applicant must submit an official transcript, which must be mailed directly from the college or university to : AR Dept. of Health, SBEADAC, 4815 W. Markham, Box 42A, Little Rock, AR 72205.

- (4) The applicant must verify three (3) years of clinically supervised work experience in field of Substance Abuse and Mental Health.
  - (a) The applicant may be able to use internship, practicum or volunteer experience hours. 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 clinical supervisor with credential specific to SUD treatment.
  - (b) Applicant must be in the practice of SUD treatment in all or part of the 12 months preceding application or, at minimum, an applicant not in SUD practice in the 12 months preceding application will be required to complete six (6) hours of professional ethics training. The Board may require additional training hours.
  - (c) All documentation and work experience submitted with application will be reviewed by the Board for consistency with SBEADAC requirements for licensure. If you cannot meet all these requirements, you will need to make application for licensure at the SBEADAC website: [www.sbeadac.org](http://www.sbeadac.org).
- (5) The Applicant must successfully complete a minimum of two hundred seventy (270) clock hours of approved education. Approved education must be directly related to alcoholism and/or drug abuse counseling subjects, theory, practice, or research.

All education hours are subject to review and approval by the SBEADAC Credentialing Committee.

- (6) The Applicant must submit a completed registration application form, which shall be provided by the SBEADAC. The registration application form can be accessed through the SBEADAC website at [www.sbeadac.org](http://www.sbeadac.org).

- (7) The applicant shall submit a notarized “Statement of Agreement” that certifies under penalty of perjury, that all education and experience requirements have been met. 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. The BEADAC reserves the right to call for such record as needed for confirmation or in matters of dispute. The “Statement of Agreement” can be accessed through the SBEADAC website at [www.sbeadac.org](http://www.sbeadac.org).
- (8) The Applicant must submit a signed written agreement to abide by the “Code of Ethics”. The Code of Ethics and a verification page can be accessed through the SBEADAC website at [www.sbeadac.org](http://www.sbeadac.org).
- (9) The Applicant must submit three (3) letters of reference.
- (10) The applicant must submit a “Supervision Verification” form provided by the SBEADAC. Detailed supervision record (see 7 above) 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 12 Core Functions in a SUD or Co-occurring Disorder treatment program. Minimum 300 hours must be in direct clinical supervision. The “Supervision Verification” form can be accessed through the SBEADAC website.
- (11) The applicant must submit a “Supervised Work Experience” form provided by the SBEADAC. Detailed work experience that includes specific duties performed under each “Job Title” must be kept by applicant and supervisor (see 7 above) ready for submission when requested by the Board. The “Supervised Work Experience” form and a list of Registered Supervisors can be accessed through the SBEADAC website.
- (12) The Applicant must remit the appropriate examination fee of \$265.00 for an LADAC or \$215 for an LAADAC. The check or Money order shall be made payable to SBEADAC.
- (13) The Applicant must pass a national qualifying written examination prescribed by The SBEADAC, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession.

**F. PRE-LICENSURE CRIMINAL BACKGROUND CHECK**

- (a) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual’s criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- (b) The individual must obtain the pre-licensure criminal background check petition from the Board.
- (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(s) 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 pre-licensure 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.

#### **WAIVER REQUEST**

- A. If an individual has been convicted of an offense listed in A.C.A. 17-2-102 (a), except those permanently disqualifying offenses found in subsection e, the Board 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:
  - (1) An affected applicant for a license; or
  - (2) An 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 be in writing and accompany the completed application and fees.
- D. The Board will respond with a decision in writing and will state the reasons for the decision.
- E. An appeal of a determination under this section will be subject to the Administrative Procedures Act 25-15-201 *et seq.*
- F. Automatic Licensure for Military Under Act 820
  - (a) As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.
  - (b) The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:
    - 1. An active duty military service member stationed in the State of Arkansas;
    - 2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or
    - 3. The spouse of a person under B (1) or (2) above.

(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 substantially equivalent license in another state; and
3. Evidence that the applicant is a qualified applicant under Section B.

#### **G. RECIPROCITY UNDER ACTS 426/1011**

##### **Legislative Intent**

*(a)(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.*

##### Reciprocity under Act 1011 to be codified as A.C.A §17-1-108(c), (d)(1)(A)

##### Reciprocity

A. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

1. The applicant shall hold a substantially similar license in another United States' jurisdiction.
  - a. A license from another state is substantially similar to an Arkansas LADAC OR LAADAC license, if the other state's licensure qualifications require:
    - i. 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;
    - ii. For a licensed associate alcoholism and drug abuse counselor holds a baccalaureate degree in the health or behavioral services field or other appropriate field from an accredited college or university.
  - b. The applicant shall hold his or her occupational licensure in good standing;
  - c. The applicant shall not have had a license revoked for:
    - i. An act of bad faith; or
    - ii. A violation of law, rule, or ethics;
  - d. The applicant shall not hold a suspended or probationary license in a United States' jurisdiction;
2. The applicant shall be sufficiently competent in the field of substance use disorder.
3. Applicant must provide identification consisting of:
  - a. Valid driver's license or
  - b. Birth certificate



- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
    - a. Evidence of current and active licensure in that state. The Board 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; and
    - b. Evidence that the other state's licensure requirements match those listed in A.1.a.i. The Board may verify this information online or by telephone to the other state's licensing board.
  2. To demonstrate that the applicant meets the requirement in A.1.b. through d., the applicant shall provide the Board with:
    - a. The names of all states in which the applicant is currently licensed or has been previously licensed;
    - b. 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 has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Board 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.
  3. As evidence that the applicant is sufficiently competent in the field of substance use disorder treatment, an applicant shall:
    - a. Provide proof of having taken and passed a nationally qualifying written examination;
    - b. Submit three letters of recommendation from professional sources; and
    - c. Provide an unopened college transcript to the Board at time of application.

### **Temporary and Provisional License**

- A. The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1.a. and b.
- B. The temporary and provisional license shall be effective until the Board makes a decision on the application, unless the Board determines that the applicant does not meet the requirements in sections A.1. and A.2., in which case the temporary and provisional license shall be immediately revoked.
- C. 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.

### **License for person from a state that does not license profession. Act 1011 to be codified as A.C.A §17-1-108(d)(2)**

- A. Required Qualifications. An applicant from a state that does not license alcohol and drug abuse counselors shall meet the following requirements:

1. The applicant shall be sufficiently competent in the field of substance use disorder treatment; and
  2. Provide an unopened college transcript to the Board at time of application.
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant is sufficiently competent in the field of substance use disorder treatment, an applicant shall:
    - a. Provide proof of having taken and passed a nationally qualifying written examination.
    - b. Submit three letters of recommendation from professional sources.
    - c. Provide an unopened college transcript to the Board at time of application.

**Reciprocity and state-specific education.** Act 1011 to be codified as A.C.A. §17-1-108(d)(3)

- A. The Board 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 A.C.A. §17-1-108.
- B. Reciprocity in another state will be considered similar to reciprocity under A.C.A. §17-1-108 if the reciprocity provisions in the other state:
  1. Provide the least restrictive path to licensure for Arkansas applicants;
  2. Does 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.
  3. Does not require Arkansas applicants to take a state-specified education unless required under the same conditions described in A.C.A. §17-1-108.

All documentation and work experience submitted with application will be reviewed by the Board for consistency with SBEADAC requirements for licensure. If you cannot meet all of these requirements, you will need to make application for licensure at the SBEADAC website: [www.sbeadac.org](http://www.sbeadac.org).

**I. APPLYING FOR RE-LICENSURE**

Counselors applying for re-licensure must submit the following in one packet addressed to: AR Department of Health, SBEADAC, 4815 W. Markham, Box 42A, Little Rock, AR 72205.

- (i). The Counselor shall submit the biennial renewal fee and the Licensure Renewal Form.

**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

**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.**

(ii) The Counselor shall submit the Continuing Education Documentation Form, which shall be provided by SBEADAC. A copy of the Continuing Education Documentation Form can be accessed at [www.sbeadac.org](http://www.sbeadac.org). See section VII. below for continuing education requirements for re-licensure.

(1) The Counselor shall submit the Contact Information Form, which shall be provided by the SBEADAC. A copy of the Contact Information Form can be accessed at [www.sbeadac.org](http://www.sbeadac.org).

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

(3) 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. 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. If your license is not are submitted and approved by the Board. If your license is not reinstated within four (4) months, you must apply as a new applicant.

(iii) A Counselor who practices while his or her license is suspended is in violation of Act 443 of 2009.

**G. CONTINUING EDUCATION**

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

No license shall be renewed unless the renewal application is accompanied by evidence satisfactory to the Board of completion during the previous twenty-four (24) months of relevant professional or continuing education experience. Of the forty (40) hours required, a minimum of twenty (20) hours must be specific to

addiction counseling or co-occurring disorders. No more than fifty percent (50%) of the total requisite hours may be obtained through online courses.

The following is a list of approved sponsors for continuing education which will be accepted by the SBEADAC:

- a. Arkansas Substance Abuse Certification Board (ASACB)
- b. Arkansas Association of Alcoholism and Drug Abuse Counselors (AAADAC)
- c. The University of Arkansas at Little Rock MidSOUTH Summer School (MSSS) and MidSOUTH Addiction Training Network (MSATN)
- d. Arkansas Mental Health Conference
- e. Veterans Administration
- f. National Association of Alcoholism and Drug Abuse Counselors (NAADAC)
- g. National Board for Certified Counselors (NBCC)
- h. National Association of Social Workers (NASW)
- i. American Psychological Association (APA)

All other continuing education courses not sponsored by the above would require prior approval by the SBEADAC. The burden of proof for validating the quality/quantity of education hours would be shared by the Counselor and the education services provider.

## **H. ADJUDICATIVE HEARINGS**

### **(1) SCOPE OF THIS CHAPTER**

This chapter applies in all administrative adjudications conducted by the SBEADAC. This procedure is developed to provide a process by which the agency formulates orders (for example, an order revoking a license to practice).

### **(2) AUTHORITY OF THE BOARD**

The SBEADAC may deny, revoke, or suspend any license, registration, or certificate upon proof that the person has willfully or repeatedly violated any of the provisions of Ark. Code Ann. § 17-27-401 *et seq.* or any rule or regulation promulgated by the SBEADAC or upon proof that a person has practiced outside the scope of practice for which he or she is licensed or certified under this subchapter.

### **(3) 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.

#### (4) 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 would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

#### (5) 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.

#### (6) INITIATION AND NOTICE OF HEARING

1. An administrative adjudication is initiated by the issuance by the SBEADAC of a notice of hearing.
2. The notice of hearing will be sent to the respondent by U.S. Mail, return receipt requested, delivery restricted to the named recipient or his agent. Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the SBEADAC.
3. Notice will be mailed at least thirty (30) days before the scheduled hearing.
4. The notice will include:
  - i. A statement of the time, place, and nature of the hearing;
  - ii. A statement of the legal authority and jurisdiction under which the hearing is being held; and
  - iii. A short and plain statement of the matters of fact and law asserted.

#### (7) PROCEEDINGS

The person charged may appear in person or by counsel, testify, produce evidence and witnesses on his or her behalf, cross examine witnesses, and is entitled on

application to the SBEADAC to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

(8) SUBPOENAS

a. At the request of any party, the agency shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.

b. A subpoena may be served by any person specified by law to serve process or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45 of the Arkansas Rules of Civil Procedure. The witness must be served at least two days prior to the hearing. For good cause shown, the SBEADAC may authorize the subpoena to be served less than two days before the hearing.

c. Any motion to quash or limit the subpoena shall be filed with the agency and shall state the grounds relief upon.

d. 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.

(9) CONTINUANCES

The SBEADAC Chair may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. In determining whether to grant a continuance, the SBEADAC Chair may consider:

- a. Prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal settlements;
- d. The existence of an emergency;
- e. Any objection;
- f. Any applicable time requirement;
- g. The existence of a conflict of the schedules of counsel, the parties, or witnesses;
- h. The time limits of the request; and
- i. Other relevant factors.

- j. The SBEADAC Chair may require documentation of any grounds for continuance.

(10) DEFAULT

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

(11) FINAL ORDER

The SBEADAC will serve on the respondent a written order that reflects the action taken by the agency. 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. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.

**I. ACTIONS TAKEN UPON LICENSE**

(1) DENIAL OF LICENSE

1. If a preliminary determination is made that an application should be denied, the SBEADAC will inform the applicant of the opportunity for a hearing on the application.

2. The grounds or basis for the proposed denial of a license will be set forth in writing by the Board. Any hearing on the denial of a license will be conducted in accordance with Ark. Code Ann. § 25-15-208 and Ark. Code Ann. § 25-15-213.

(2) SUSPENSION, REVOCATION, ANNULMENT OR WITHDRAWAL

- a. 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 Ark. Code Ann. § 25-15-208.

- b. The Board has the burden of proving the alleged facts and violations of law stated in the notice.

(3) EMERGENCY ACTION

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

- b. An emergency order must contain findings that the public

health, safety, and welfare imperatively require emergency action to be taken by the Board. The written order must include notification of the Notice of Hearing, which contains the date on which the Board proceedings are scheduled for completion.

c. The written emergency order will be immediately delivered to persons who are required to comply with the order. One 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 i. Board;

iv. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that Board orders be sent by fax and has provided a fax number for that purpose;

v. 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.

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

#### (4) 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.

#### (5) 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 have not been earned;
6. Keep and maintain a record of the steps taken to accomplish the foregoing;
7. File with the Board a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the Board will notify those entitled of the revocation, suspension, or surrender; and
8. 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 non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

#### **J. REINSTATEMENT AFTER SUSPENSION**

- (1) An order suspending a license may provide that a person desiring reinstatement may file with the Chair of the SBEADAC a verified petition requesting reinstatement.
- (2) The petition for reinstatement must set out the following:
  - a. 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;
  - b. That the individual has refrained from practicing in this profession during the period of suspension;
  - c. That the individual's license fee is current or has been tendered to the SBEADAC;
  - d. That the individual has fully complied with any requirements imposed as conditions for reinstatement.
  - e. Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.
  - f. Failure to comply with the provisions of sections IX.5.of

this Rule precludes consideration for reinstatement.

- g. No individual will be reinstated unless the SBEADAC approves reinstatement by majority vote.

**K. RE-LICENSURE FOR REVOKED OR SURRENDERED LICENSE**

(1) 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 SBEADAC.

(2) The applicant bears the burden of proof that he is rehabilitated following the revocation or surrender of his license, that he can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare and that he is otherwise qualified for the license pursuant to Ark. Code Ann. § 17-27-401 *et seq.*

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

b. The person seeking re-licensure must pass a national qualifying written examination prescribed by the SBEADAC, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession.