A BILL

FOR AN ACT ENTITLED

"An Act relating to psychologists and psychological associates."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. AS 08.86 is amended by adding a new section to read:

Sec. 08.86.075. POWER TO ORDER EXAMINATIONS. The board may order a licensed psychologist or licensed psychological associate to submit to a reasonable physical or mental examination if the board has credible evidence sufficient to conclude that the psychologist’s or psychological associate’s physical or mental capacity to practice safely is at issue.

Sec. 2. AS 08.86.130(a) is amended to read:

(a) The board shall issue a psychologist license to a person who

(1) holds an earned doctorate degree, from an academic institution whose program of graduate study for a doctorate degree in psychology meets the criteria established by the board by regulation, in

(A) clinical psychology;

(B) counseling [EDUCATIONAL] psychology; or
(C) education in a field of specialization [IN COUNSELING PSYCHOLOGY OR EDUCATIONAL PSYCHOLOGY; OR

(D) A SUBJECT] considered equivalent by the board;

(2) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

(3) has one year of post doctoral supervised experience approved by the board; and

(4) [(3)] takes and passes the objective examination developed or approved by the board.

* Sec. 3. AS 08.86.135 is amended to read:

Sec. 08.86.135. TEMPORARY LICENSE. The board may issue a temporary license to a person who meets the requirements of AS 08.86.130(a)(1) and (2). A temporary license issued under this section is valid only for the time period identified in the person’s plan for the purpose of obtaining supervised experience to meet the requirements of AS 08.86.130(a)(3) [UNTIL THE RESULTS OF THE EXAMINATION FOLLOWING THE ISSUANCE OF THE TEMPORARY LICENSE ARE PUBLISHED].

* Sec. 4. AS 08.86.160 is repealed and reenacted to read:

Sec. 08.86.160. LICENSING REQUIREMENTS. (a) The board shall issue a psychological associate license to a person who

(1) holds an earned master’s degree from an academic institution whose program of graduate study for a master’s degree in psychology meets the criteria established by the board by regulation in

(A) clinical psychology;

(B) counseling psychology; or

(C) education in a field of specialization considered equivalent by the board;

(2) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

(3) has two years of post master’s supervised experience approved by the board; and
(4) takes and passes the objective examination developed or approved by the board for psychological associates.

(b) The board may not deny recognition as an accredited or approved academic institution to an educational institution solely because its program has not been accredited by a professional organization of psychologists.

* Sec. 5. AS 08.86.164(a) is amended to read:

(a) A psychological associate shall be licensed to provide psychological services within [FOR SPECIFIC ACTIVITIES OR AREAS OF COMPETENCE AS DETERMINED BY] the nature and extent of the psychological associate’s training and experience as defined in regulation [, AND THOSE AREAS SHALL BE SPECIFIED ON THE LICENSE].

* Sec. 6. AS 08.86 is amended by adding a new section to article 4 to read:

Sec. 08.86.166. TEMPORARY LICENSE. The board may issue a temporary license to a person who meets the requirements of AS 08.86.160(a)(1), (2), and (4). A temporary license issued under this section is valid only for the time period identified in the person’s plan for the purpose of obtaining supervised experience to meet the requirement of AS 08.86.160(a)(3).

* Sec. 7. AS 08.86.200(a) is amended to read:

(a) A psychologist or psychological associate may not reveal to another person a communication made to the psychologist or psychological associate by a client about a matter concerning which the client has employed the psychologist or psychological associate in a professional capacity. This section does not apply to

(1) a case conference with other mental health professionals [PSYCHOLOGISTS, PSYCHOLOGICAL ASSOCIATES,] or with physicians and surgeons;

(2) a case in which the client in writing authorized the psychologist or psychological associate to reveal a communication;

(3) a case where an immediate threat of serious physical harm to an identifiable victim is communicated to a psychologist or psychological associate by a client;

(4) disclosures of confidential communications required under Rule 504,
Alaska Rules of Evidence; or

(5) proceedings conducted by the board or the department where the disclosure of confidential communications is necessary to defend against charges that the psychologist or psychological associate has violated provisions of this chapter; information obtained by the board or department under this paragraph is confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

* Sec. 8. AS 08.86.204 is amended to read:

Sec. 08.86.204. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS. After a hearing, the board may impose a disciplinary sanction on a person licensed under this chapter when the board finds that the licensee

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or other crime that affects the licensee’s ability to continue to practice competently and safely;

(5) intentionally or negligently engaged in or permitted the performance of patient care by persons under the licensee’s supervision that does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;

(6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the board;

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) failure to keep informed of current professional practices;

(C) addiction or severe dependency on alcohol or other drugs which impairs the ability to practice safely;

(D) physical or mental disability or a combination of physical and mental disabilities;

(8) engaged in sexual misconduct with a patient during the course
of therapy, either within or outside the treatment setting, or within two years
after therapy or counseling with the patient has terminated; in this paragraph,
"sexual misconduct" includes sexual contact, as defined in regulations adopted
under this chapter, or attempted sexual contact, regardless of the patient’s or
former patient’s consent or lack of consent [LEWD OR IMMORAL CONDUCT IN
CONNECTION WITH THE DELIVERY OF PROFESSIONAL SERVICE TO
PATIENTS].

* Sec. 9. AS 08.86.204 is amended by adding a new subsection to read:

(b) The board may summarily suspend the license of a licensee who refuses
to submit to a physical or mental examination under AS 08.86.075. A person whose
license is suspended under this subsection is entitled to a hearing by the board within
seven days after the effective date of the order. If, after a hearing, the board upholds
the suspension, the licensee may appeal the suspension to a court of competent
jurisdiction.

* Sec. 10. AS 08.86.230(4) is amended to read:

(4) "psychological associate" means a person licensed under this
chapter who renders [SPECIFIC] psychological services [IN ASSOCIATION WITH
A LICENSED PSYCHOLOGIST] and complies with AS 08.86.164;

* Sec. 11. AS 08.86.162(3), 08.86.164(b), 08.86.164(c), 08.86.164(d), and 08.86.164(e) are
repealed.