



# LAWS OF ALASKA

2003

**Source**

SCS CSHB 135(HES)

**Chapter No.**

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## AN ACT

Relating to marital and family therapists.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to marital and family therapists.

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3 \* **Section 1.** AS 08.01.050(d) is amended to read:

4 (d) At the request of one of the following boards, the department may contract  
5 with public agencies and private professional organizations to provide assistance and  
6 treatment to persons licensed by the board who abuse alcohol, other drugs, or other  
7 substances:

8 (1) Board of Social Work Examiners;  
9 (2) Board of Dental Examiners;  
10 (3) Board of Dispensing Opticians;  
11 (4) State Medical Board;  
12 (5) Board of Nursing;  
13 (6) Board of Examiners in Optometry;  
14 (7) Board of Pharmacy;  
15 (8) State Physical Therapy and Occupational Therapy Board;

- (9) Board of Professional Counselors;
- (10) Board of Psychologist and Psychological Associate Examiners;
- (11) Board of Veterinary Examiners; **and**
- (12) Board of Marital and Family Therapy.**

\* **Sec. 2.** AS 08.63.050 is amended by adding a new subsection to read:

(b) The board may order a licensed marital and family therapist to submit to a reasonable physical or mental examination if the board has credible evidence sufficient to conclude that the marital and family therapist's physical or mental capacity to practice safely is at issue.

\* **Sec. 3.** AS 08.63.100(a) is amended to read:

(a) The board shall issue a license to practice marital and family therapy to a person who

(1) applies on a form provided by the board;

(2) pays the fee established under AS 08.01.065;

(3) furnishes evidence satisfactory to the board that the person

(A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.63.210;

(B) holds a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction substantially equivalent to the following:

(i) three courses or nine semester or 12 quarter hours of course work in marital and family therapy;

(ii) three courses or nine semester or 12 quarter hours of course work in marital and family studies;

(iii) three courses or nine semester or 12 quarter hours of course work in human development;

(iv) one course or three semester or four quarter hours of course work in professional studies or professional ethics and law;

(v) one course or three semester or four quarter hours of

1 course work in research; and

2 (vi) one year of supervised clinical practice in marital  
3 and family therapy;

4 (C) after receiving a degree described in (B) of this paragraph,

5 has

6 (i) practiced marital and family therapy [WITHIN  
7 THREE YEARS OF THE PERSON'S APPLICATION], including  
8 1,500 hours of direct clinical contact with couples, individuals, and  
9 families; and

10 (ii) been supervised in the clinical contact for at least  
11 200 hours, including 100 hours of individual supervision and 100 hours  
12 of group supervision approved by the board;

13 (D) has received training related to domestic violence; and

14 (E) has passed a written or oral examination administered by  
15 the board.

16 \* **Sec. 4.** AS 08.63.200(a) is amended to read:

17 (a) A person licensed under this chapter may not reveal to another person a  
18 communication made to the licensee by a client about a matter concerning which the  
19 client has employed the licensee in a professional capacity. This section does not  
20 apply to

21 (1) a case conference or case consultation with other mental health  
22 professionals at which the patient is not identified;

23 (2) the release of information that the client in writing authorized the  
24 licensee to reveal;

25 (3) information released to the board as part of a disciplinary or other  
26 proceeding; [OR]

27 (4) situations where the rules of evidence applicable to the  
28 psychotherapist-patient privilege allow the release of the information;

29 **(5) a communication to a potential victim or to law enforcement**  
30 **officers where a threat of imminent serious physical harm to an identified victim**  
31 **has been made by a client; or**

(6) a disclosure revealing a communication about an act that the licensee has reasonable cause to suspect constitutes unlawful or unethical conduct that would be grounds for imposition of disciplinary sanctions by a person licensed to provide health or mental health services, if the disclosure is made only to the licensing board with jurisdiction over the person who allegedly committed the act, and the disclosure is made in good faith.

\* **Sec. 5.** AS 08.63.210 is amended to read:

**Sec. 08.63.210. Grounds for imposition of disciplinary sanctions.** After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter when the board finds that the person

(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 of another crime that affects the person's ability to practice competently and safely;

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

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or another drug

that impairs the person's ability to practice safely;

(7) engaged in unethical conduct in connection with the delivery of professional services to clients;

**(8) engaged in sexual misconduct with a client during the course of therapy, either within or outside the treatment setting, or within two years after therapy or counseling with the client 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 client's or former client's consent or lack of consent.**

1       \* **Sec. 6.** AS 08.63.210 is amended by adding a new subsection to read:

2               (b) The board may summarily suspend the license of a licensee who refuses to  
3               submit to a physical or mental examination under AS 08.63.050(b). A person whose  
4               license is suspended under this subsection is entitled to a hearing by the board within  
5               seven days after the effective date of the order. If, after a hearing, the board upholds  
6               the suspension, the licensee may appeal the suspension to a court of competent  
7               jurisdiction.

8       \* **Sec. 7.** AS 08.63 is amended by adding new sections to read:

9               **Sec. 08.63.230. Disclosure statement.** Before the performance of services, a  
10          licensed marital and family therapist shall ensure that the client was furnished a copy  
11          of a professional disclosure statement that contained

12               (1) the name, title, business address, and business telephone number of  
13          the marital and family therapist;

14               (2) a description of the formal professional education of the marital  
15          and family therapist, including the institutions attended and the degrees received from  
16          the institutions;

17               (3) the marital and family therapist's areas of specialization and the  
18          services available;

19               (4) the marital and family therapist's fee schedule listed by type of  
20          service or hourly rate;

21               (5) a description of the exception to confidentiality contained in  
22          AS 08.63.200(a)(6); and

23               (6) at the bottom of the first page of the statement, the following  
24          sentence: "This information is required by the Board of Marital and Family Therapy,  
25          which regulates all licensed marital and family therapists," followed by the name,  
26          address, and telephone number of the board's office.

27               **Sec. 08.63.240. Limitation of practice.** Notwithstanding that a specific act is  
28          within the definition of the "practice of marital and family therapy," a person licensed  
29          under this chapter may not perform the act if the person lacks the appropriate  
30          education, training, and experience related to the act.