

SENATE CS FOR HOUSE BILL NO. 208(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/7/99
Referred: Rules

Sponsor(s): REPRESENTATIVES MURKOWSKI, Smalley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to professional counselors; and providing for an effective date."

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

3 * Section 1. AS 08.02.010(a) is amended to read:

4 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under
5 AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, **a**
6 **professional counselor licensed under AS 08.29,** a dentist under AS 08.36, a marital
7 and family therapist licensed under AS 08.63, a medical practitioner or osteopath under
8 AS 08.64, a direct-entry midwife certified under AS 08.65, a registered nurse under
9 AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a
10 physical therapist or occupational therapist licensed under AS 08.84, a psychologist
11 under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as
12 professional identification appropriate letters or a title after that person's name which
13 represents that person's specific field of practice. The letters or title shall appear on
14 all signs, stationery, or other advertising in which the person offers or displays
15 personal professional services to the public. In addition, a person engaged in the

1 practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged
 2 in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons
 3 in relation to human health or disease and uses the letters "M.D." or the title "doctor"
 4 or "physician" or another title that tends to show that the person is willing or qualified
 5 to diagnose, treat, test, or counsel another person, shall clarify the letters or title by
 6 adding the appropriate specialist designation, if any, such as "dermatologist",
 7 "radiologist", "audiologist", "naturopath", or the like.

8 * **Sec. 2.** AS 08.29.020(a) is amended to read:

9 (a) In addition to the duties specified in AS 08.01, the board shall

10 (1) license professional counselors, establish criteria for supervisor
 11 certification, and certify approved counselor supervisors under this chapter; the board
 12 may provide for licensure in areas of counseling specialization;

13 (2) establish continuing education requirements for the renewal of a
 14 license under this chapter;

15 (3) adopt, by regulation, a code of ethics that must be observed by
 16 persons licensed under this chapter;

17 (4) establish education and training requirements that must be met
 18 before a professional counselor can administer and use assessment instruments
 19 described in AS 08.29.490(1)(C); **and**

20 **(5) enforce the provisions of this chapter and adopt regulations**
 21 **necessary to carry out the board's duties under this chapter.**

22 * **Sec. 3.** AS 08.29.110(a) is amended to read:

23 (a) The board shall issue a professional counselor license to a person who
 24 applies for the license, submits the required fee, submits two letters of recommendation
 25 from professional counselors who are familiar with the applicant's practice of
 26 professional counseling, and presents evidence satisfactory to the board that the person

27 (1) is at least 18 years of age;

28 (2) is not under investigation in this or another jurisdiction for an act
 29 that would constitute a violation of this chapter;

30 (3) **has not had a license related to the practice of counseling,**
 31 **psychology, marital and family therapy, or social work in this or another**

jurisdiction suspended, revoked, or surrendered in lieu of discipline unless the license has been fully reinstated in that jurisdiction;

(4) has passed a written examination as required by the board; the board may provide that passing a nationally recognized examination for professional counselors is sufficient to meet the examination requirement of this paragraph;

(5) [(4)] has successfully completed either

(A) an earned doctoral degree in counseling or a related professional field from a regionally accredited institution of higher education approved by the board; or

(B) an earned master's degree in counseling or a related professional field, from a regionally or nationally accredited institution of higher education approved by the board, consisting of at least 48 semester hours and at least 12 other graduate semester hours in counseling during or after earning the master's degree, for a total of at least 60 hours; and

(6) [(5)] has, after completing the requirement of either (5)(A) or (B) of this subsection, had at least 3,000 hours of supervised experience in the practice of professional counseling performed over a period of at least two years under the supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of direct counseling with individuals, couples, families, or groups and at least 100 hours of face-to-face supervision by a supervisor approved under AS 08.29.210 unless, under regulations of the board, the board allows the supervision to be by telephonic or electronic means because of the remote location of the counselor.

* **Sec. 4.** AS 08.29.130 is amended to read:

Sec. 08.29.130. Licensure of foreign-educated applicants. The board may issue a license under this chapter to a person who

(1) has completed a doctorate or master's degree educational program in counseling or a related professional field in a foreign college or university approved by the board;

(2) meets the requirements of AS 08.29.110 except for AS 08.29.110(a)(5) [AS 08.29.110(a)(4)]; and

(3) demonstrates to the satisfaction of the board that the applicant's

experience, command of the English language, and completed academic program meet the standards of a relevant academic program of an accredited educational institution in the United States.

* **Sec. 5.** AS 08.29.210(a) is amended to read:

(a) The board shall approve and certify a person as an approved counselor supervisor for the purposes of this chapter if the person

(1) is licensed under this chapter as a professional counselor or is a **licensed physician, licensed advanced nurse practitioner who is certified to provide psychiatric or mental health services**, licensed clinical social worker, licensed marital and family therapist, licensed psychologist, or licensed psychological associate;

(2) submits an application for certification and the appropriate fee;

(3) has five years of counseling experience;

(4) provides to the board for its approval or disapproval a statement that details the person's supervision philosophy, orientation, and experience; and

(5) meets other criteria that may be established by the board in regulations.

* **Sec. 6.** AS 08.29.400 is amended to read:

Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions.

The board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter or deny a license to a person when the board finds that the person

(1) has an addiction to, or severe dependency on, alcohol or other drugs that impairs the person's ability to engage safely in the practice of professional counseling;

(2) has been convicted of a felony and has not been sufficiently rehabilitated to merit the public trust;

(3) used fraud, deception, misrepresentation, or bribery in securing a license under this chapter or in obtaining permission to take an examination required under this chapter;

(4) is incompetent or has committed misconduct, fraud, misrepresentation, or dishonesty in the performance of the functions of a licensed

professional counselor;

(5) violated, or assisted another individual to violate, a provision of this chapter or a regulation adopted under this chapter;

(6) impersonated a person who holds a license under this chapter;

(7) has had a license related to the practice of counseling, psychology, marital and family therapy, or social work [REVOKED OR SUSPENDED] in this or another jurisdiction revoked, suspended, limited, or surrendered in lieu of discipline upon grounds for which a [THE] license issued under this chapter could be revoked, [OR] suspended, limited, or surrendered in lieu of discipline; this paragraph does not apply to license actions [REVOCATIONS OR SUSPENSIONS] for failure to pay a renewal fee [IN ANOTHER JURISDICTION];

(8) assisted another person who is not licensed under this chapter in an attempt to represent the person to the public as a licensed professional counselor;

(9) was issued a license based on a material mistake of fact;

(10) used an advertisement or solicitation that is false, misleading, or deceptive to the general public or the person to whom the advertisement was primarily directed; or

(11) failed to respond within 30 days to a written communication from the board concerning an investigation by the board or failed to make available to the board a relevant record with respect to an investigation about the licensee's conduct or background.

* **Sec. 7.** Section 6, ch. 75, SLA 1998, is amended to read:

TRANSITIONAL PROVISION. Notwithstanding this Act, the Board of Professional Counselors shall issue a license under AS 08.29, enacted by sec. 1 of this Act, to an applicant who

(1) applies by June 30, 2000 [DECEMBER 31, 1999];

(2) submits documentation that the applicant holds a master's or doctorate degree in counseling or a related professional field;

(3) submits, on a form provided by the department, documentation from an employer, a supervisor, or a professional peer that, after graduating with a master's or doctoral degree in counseling or a related field, the applicant has

1 practiced professional counseling in the state for at least 24 months during the five
2 years immediately preceding the date of application;

3 (4) meets the requirements of AS 08.29.110(a)(1) - (3)
4 [AS 08.29.110(a)(1) AND (2), ENACTED BY SEC. 1 OF THIS ACT], and is not
5 subject to denial of a license under AS 08.29.400, enacted by sec. 1 of this Act;

6 (5) submits two letters of recommendation from professional counselors
7 who are familiar with the applicant's work; and

8 (6) pays the required fee.

9 * **Sec. 8.** INTENT. It is the intent of the legislature that the reference to
10 AS 08.29.110(a)(3), used in the amendment to sec. 6, ch. 75, SLA 1998, made under sec. 7
11 of this Act, be read as referring to AS 08.29.110(a)(3), enacted by sec. 3 of this Act.

12 * **Sec. 9.** APPLICABILITY. AS 08.29.110(a), as amended by sec. 3 of this Act, and
13 sec. 6(3), ch. 75, SLA 1998, as amended by sec. 7 of this Act, apply to applications pending
14 or filed with the Board of Professional Counselors on or after the effective date of secs. 2 -
15 8 of this Act.

16 * **Sec. 10.** Sections 2 - 9 of this Act take effect immediately under AS 01.10.070(c).