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Klein/Gunther
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SENATE CS FOR HOUSE BILL NO. 126(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES WRIGHT, Story, Hannan, Ruffridge, Galvin, Prax

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Board of Professional Counselors; relating to licensing of
2 associate counselors; relating to marital and family therapists; relating to telehealth;
3 relating to the health care professionals workforce enhancement program; prohibiting
4 unfair discrimination under group health insurance against associate counselors;
5 relating to medical assistance for professional counseling services; relating to mental
6 health professionals; relating to health care provider liability; and providing for an
7 effective date."

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

9 * **Section 1.** AS 08.02.110(a) is amended to read:

10 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
11 language pathologist licensed under AS 08.11, a behavior analyst licensed under
12 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
13 professional or associate counselor licensed under AS 08.29, a dentist under

AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D." or the title "doctor" or "physician" or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

* **Sec. 2.** AS 08.02.130(j)(1) is amended to read:

(1) "health care provider" means

(A) an audiologist or speech-language pathologist licensed under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor licensed under AS 08.20; a professional or associate counselor licensed under AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath licensed under AS 08.45; a marital and family therapist licensed under AS 08.63; a physician licensed under AS 08.64; a podiatrist, osteopath, or physician assistant licensed under AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed

under AS 08.84; a psychologist or psychological associate licensed under AS 08.86; or a social worker licensed under AS 08.95; or

(B) a physician licensed in another state;

* **Sec. 3.** AS 08.29.020(a) is amended to read:

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

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

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

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

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

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

* **Sec. 4.** AS 08.29.100(a) is amended to read:

(a) A person who is not licensed under this chapter may not

(1) profess to be a licensed professional counselor, a professional counselor, [OR] a licensed counselor, or an associate counselor; or

(2) make use of a title, words, letters, or abbreviations that may reasonably be confused with the title of "licensed professional counselor," "professional counselor," [OR] "licensed counselor, [.]" or "associate counselor."

* **Sec. 5.** AS 08.29.110(a) is amended to read:

(a) The board shall issue a professional counselor license to a person who applies for the license, submits the required fee, [SUBMITS TWO LETTERS OF RECOMMENDATION FROM PROFESSIONAL COUNSELORS WHO ARE FAMILIAR WITH THE APPLICANT'S PRACTICE OF PROFESSIONAL COUNSELING,] and presents evidence satisfactory to the board that the person

(1) is at least 18 years of age;

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

(3) has not had a license related to the practice of counseling, 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) has successfully completed either

(A) an earned doctoral degree in counseling or a related professional field from a regionally or nationally 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, and at least 60 graduate semester hours in counseling [DURING OR AFTER EARNING THE MASTER'S DEGREE]; and

(6) has, after earning the degree required under either (5)(A) or (B) of this subsection, **successfully completed an associate counselor program authorized in regulations of the board or completed** [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 **regulations of the board** [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 **direct** [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. 6.** AS 08.29.120(a) is amended to read:

(a) Except as provided in (b) of this section, the board may issue a license under this chapter to a person who is licensed in another jurisdiction to practice as a professional counselor or associate counselor [COUNSELING] if the board finds that the other jurisdiction has substantially the same or higher licensure requirements as this state.

* **Sec. 7.** AS 08.29.220 is amended to read:

Sec. 08.29.220. Disclosure statement. A client may not be charged a fee for professional counseling services unless, before the performance of the services, the client was furnished a copy of a professional disclosure statement that contained

(1) the name, title, business address, and business telephone number of the professional counselor or associate counselor;

(2) a description of the formal professional education of the professional counselor or associate counselor, including the institutions attended and the degrees received from them;

(3) the [PROFESSIONAL COUNSELOR'S] areas of specialization and the services available of the professional counselor or associate counselor;

(4) the [PROFESSIONAL COUNSELOR'S] fee schedule listed by type of service or hourly rate of the professional counselor or associate counselor;

(5) at the bottom of the first page of the statement, the following sentence: "This information is required by the Board of Professional Counselors which regulates all licensed professional counselors and associate counselors," followed by the name, address, and telephone number of the board's office.

* **Sec. 8.** AS 08.29.400(a) is amended to read:

(a) 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 **or associate 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 in this or another jurisdiction revoked, suspended, limited, or surrendered in lieu of discipline upon grounds for which a license issued under this chapter could be revoked, suspended, limited, or surrendered in lieu of discipline; this paragraph does not apply to license actions for failure to pay a renewal fee;

(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 **or associate 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. 9.** 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 course work in research; and

(vi) nine semester or 12 quarter hours [ONE YEAR] of supervised clinical practice in marital and family therapy;

(C) after receiving a degree described in (B) of this paragraph, has practiced supervised marital and family therapy in this state or another jurisdiction, including 1,700 hours of clinical contact with couples, individuals, and families; the 1,700 hours of clinical contact must include at least

(i) 100 hours of individual supervision approved by the board; and

(ii) 100 hours of either individual or group supervision, or a combination of those hours, approved by the board; [THE 100 HOURS OF INDIVIDUAL SUPERVISION AND 100 HOURS OF GROUP SUPERVISION MAY BE CONDUCTED BY

ONE OR MORE SUPERVISORS;]

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

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

* **Sec. 10.** AS 08.63.100(b) is amended to read:

(b) Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board, but whose course of degree study did not include all the course work [COURSES] or clinical practice requirements set out in (a)(3)(B) of this section may substitute post-degree course work [COURSES] or practice, as approved by the board, to satisfy the requirements of (a)(3)(B) of this section.

* **Sec. 11.** AS 08.63.110(c) is amended to read:

(c) A license for supervised practice expires four years from the date of issuance but may be extended because of extenuating circumstances at the discretion of the board [AND MAY NOT BE RENEWED].

* **Sec. 12.** AS 08.63.900(6) is amended to read:

(6) "supervision" means synchronous [FACE-TO-FACE] consultation, direction, review, evaluation, and assessment of the practice of the person being supervised, including direct observation and the review of case presentations, audio recordings [TAPES], and video recordings [TAPES].

* **Sec. 13.** AS 08.86.180(d) is amended to read:

(d) Nothing in this section prohibits a licensed clinical social worker, a licensed marital and family therapist, or a licensed professional or associate counselor from holding out to the public by a title or description of services incorporating the words "psychoanalysis," "psychoanalyst," "psychotherapy," "psychotherapist," or "psychotherapeutic."

* **Sec. 14.** AS 09.65.300(a) is amended to read:

(a) Except as otherwise provided in this section, a health care provider who provides health care services to another person is not liable for civil damages resulting from an act or omission in providing the health care services if the health care

(1) provider is licensed in this state to provide health care services; in this paragraph, "health care provider" includes a health care provider who holds a temporary license or permit to practice as a health care provider;

(2) services provided were within the scope of the health care provider's license;

(3) services were provided

(A) at a medical clinic, medical facility, nonprofit facility, temporary emergency site, or other facility owned or operated by a governmental entity or nonprofit organization and the health care provider was acting within the scope of the provider's responsibilities in the medical clinic, governmental entity, or nonprofit organization; or

(B) through telehealth under AS 08.02.130 while the health care provider was located at a clinic, facility, or site listed in (A) of this paragraph or the private office of the health care provider and the health care provider was acting within the scope of the provider's responsibilities at the relevant location;

(4) services were provided voluntarily and without pay to the health care provider for the services, except as provided in (b)(2) and (3) of this section; and

(5) provider

(A) obtains informed consent in writing from the person receiving the health care services as described under AS 09.55.556, except in the case of an emergency;

(B) provides the person receiving the health care services advance written notice of the immunity provided under this section to a health care provider when providing voluntary health care services as described under this section; and

(C) provides the person receiving health care services with written notice of the name of a licensed health care provider in the state that the person receiving health care services may contact for emergency follow-up care within 30 days after a procedure is performed.

* **Sec. 15.** AS 09.65.300(c)(1) is amended to read:

(1) "health care provider" means a physician, physician assistant, dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse, practical nurse, advanced practice registered nurse, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, behavior analyst, assistant behavior analyst, licensed clinical social worker, athletic trainer, [OR] certified direct-entry midwife, licensed professional counselor, or licensed associate counselor;

* **Sec. 16.** AS 18.29.190(9) is amended to read:

(9) "tier II health care professional" means a person who spends not less than 50 percent of the person's time on direct patient health care services and who is licensed or exempt from licensure in the state as a dental hygienist, advanced practice registered nurse, registered nurse, physician assistant, physical therapist, professional counselor, associate counselor, board certified behavior analyst, marital and family therapist, clinical social worker, or other health care professional as determined by the commissioner;

* **Sec. 17.** AS 21.36.090(d) is amended to read:

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, physician assistant, dentist, osteopath, optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, licensed professional counselor, licensed associate counselor, certified direct-entry midwife, or dental hygienist holding an advanced practice permit.

* **Sec. 18.** AS 47.07.900(16) is amended to read:

(16) "professional counseling services" means services within the practice of professional counseling provided by a person licensed as a professional or

1 **associate** counselor under AS 08.29; professional counseling services may be
2 provided at a facility that is not a provider of clinic services.

3 * **Sec. 19.** AS 47.30.915(16) is amended to read:

4 (16) "mental health professional" means a psychiatrist or physician
5 who is licensed by the State Medical Board to practice in this state or is employed by
6 the federal government; a clinical psychologist licensed by the state Board of
7 Psychologist and Psychological Associate Examiners; a psychological associate
8 trained in clinical psychology and licensed by the Board of Psychologist and
9 Psychological Associate Examiners; an advanced practice registered nurse or a
10 registered nurse with a master's degree in psychiatric nursing, licensed by the State
11 Board of Nursing; a marital and family therapist licensed by the Board of Marital and
12 Family Therapy; a professional **or associate** counselor licensed by the Board of
13 Professional Counselors; a clinical social worker licensed by the Board of Social
14 Work Examiners; and a person who

15 (A) has a master's degree in the field of mental health;

16 (B) has at least 12 months of post-masters working experience
17 in the field of mental illness; and

18 (C) is working under the supervision of a type of licensee listed
19 in this paragraph;

20 * **Sec. 20.** AS 08.29.210; AS 08.63.130, and 08.63.900(3) are repealed.

21 * **Sec. 21.** This Act takes effect July 1, 2025.