

SENATE BILL NO. 116

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR GIESSEL BY REQUEST

Introduced: 3/29/23

Referred: Labor & Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Professional Counselors; relating to licensing of**
2 **associate counselors; and providing for an effective date."**

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

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

5 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
6 language pathologist licensed under AS 08.11, a behavior analyst licensed under
7 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
8 professional **or associate** counselor licensed under AS 08.29, a dentist under
9 AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a massage therapist
10 licensed under AS 08.61, a marital and family therapist licensed under AS 08.63, a
11 medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified
12 under AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an
13 optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical
14 therapist or occupational therapist licensed under AS 08.84, a psychologist under

1 AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as
 2 professional identification appropriate letters or a title after that person's name that
 3 represents the person's specific field of practice. The letters or title shall appear on all
 4 signs, stationery, or other advertising in which the person offers or displays personal
 5 professional services to the public. In addition, a person engaged in the practice of
 6 medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any
 7 manner in the healing arts who diagnoses, treats, tests, or counsels other persons in
 8 relation to human health or disease and uses the letters "M.D." or the title "doctor" or
 9 "physician" or another title that tends to show that the person is willing or qualified to
 10 diagnose, treat, test, or counsel another person, shall clarify the letters or title by
 11 adding the appropriate specialist designation, if any, such as "dermatologist,"
 12 "radiologist," "audiologist," "naturopath," or the like.

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

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

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

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

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

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

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

28 * **Sec. 3.** AS 08.29.100(a) is amended to read:

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

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

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

4 * **Sec. 4.** AS 08.29.110(a) is amended to read:

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

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

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

13 (3) has not had a license related to the practice of counseling,
 14 psychology, marital and family therapy, or social work in this or another jurisdiction
 15 suspended, revoked, or surrendered in lieu of discipline unless the license has been
 16 fully reinstated in that jurisdiction;

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

20 (5) has successfully completed either

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

24 (B) an earned master's degree in counseling or a related
 25 professional field, from a regionally or nationally accredited institution of
 26 higher education approved by the board, and at least 60 graduate semester
 27 hours in counseling [DURING OR AFTER EARNING THE MASTER'S
 28 DEGREE]; and

29 (6) has, after earning the degree required under either (5)(A) or (B) of
 30 this subsection, **successfully completed an associate counselor program authorized**
 31 **in regulations of the board or completed** [HAD] at least 3,000 hours of supervised

1 experience in the practice of professional counseling performed over a period of at
 2 least two years under the supervision of a supervisor approved under **regulations of**
 3 **the board** [AS 08.29.210], with at least 1,000 hours of direct counseling with
 4 individuals, couples, families, or groups and at least 100 hours of **direct** [FACE-TO-
 5 FACE] supervision [BY A SUPERVISOR] approved [UNDER AS 08.29.210
 6 UNLESS,] under regulations of the board [, THE BOARD ALLOWS THE
 7 SUPERVISION TO BE BY TELEPHONIC OR ELECTRONIC MEANS BECAUSE
 8 OF THE REMOTE LOCATION OF THE COUNSELOR].

9 * **Sec. 5.** AS 08.29.120(a) is amended to read:

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

15 * **Sec. 6.** AS 08.29.220 is amended to read:

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

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

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

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

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

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

1 * **Sec. 7.** AS 08.29.400(a) is amended to read:

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

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

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

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

13 (4) is incompetent or has committed misconduct, fraud,
14 misrepresentation, or dishonesty in the performance of the functions of a licensed
15 professional counselor **or associate counselor;**

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

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

19 (7) has had a license related to the practice of counseling, psychology,
20 marital and family therapy, or social work in this or another jurisdiction revoked,
21 suspended, limited, or surrendered in lieu of discipline upon grounds for which a
22 license issued under this chapter could be revoked, suspended, limited, or surrendered
23 in lieu of discipline; this paragraph does not apply to license actions for failure to pay
24 a renewal fee;

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

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

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

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

5 * **Sec. 8.** AS 08.29.210 is repealed.

6 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION: REGULATIONS. The Board of Professional Counselors may adopt
9 regulations necessary to implement the changes made by this Act. The regulations take effect
10 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
11 implemented by regulation.

12 * **Sec. 10.** Section 9 of this Act takes effect immediately under AS 01.10.070(c).

13 * **Sec. 11.** Except as provided by sec. 10 of this Act, this Act takes effect July 1, 2025.