

CS FOR SENATE BILL NO. 165(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 1/18/96

Referred: Labor & Commerce

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY
REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to psychologists and psychological associates."

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

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

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

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

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

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

14 (A) clinical psychology;

15 (B) counseling [EDUCATIONAL] psychology; or

1 (C) education in a [WITH THE] field of specialization [IN
2 COUNSELING PSYCHOLOGY OR EDUCATIONAL PSYCHOLOGY; OR

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

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

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

8 (4) [(3)] takes and passes the objective examination developed or
9 approved by the board.

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

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

18 * **Sec. 4.** AS 08.86.160 is repealed and reenacted to read:

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

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

24 (A) clinical psychology;

25 (B) counseling psychology; or

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

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

30 (3) has two years of post master's supervised experience approved by
31 the board; and

1 (4) takes and passes the objective examination developed or approved
2 by the board for psychological associates.

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

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

7 (a) A psychological associate shall be licensed for specific activities or areas
8 of competence as determined by the nature and extent of the psychological associate's
9 training and experience [, AND THOSE AREAS SHALL BE SPECIFIED ON THE
10 LICENSE].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (4) has been convicted of a felony or other crime **that** [WHICH] affects
16 the licensee's ability to continue to practice competently and safely;

17 (5) intentionally or negligently engaged in or permitted the performance
18 of patient care by persons under the licensee's supervision **that** [WHICH] does not
19 conform to minimum professional standards regardless of whether actual injury to the
20 patient occurred;

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

23 (7) continued to practice after becoming unfit due to

24 (A) professional incompetence;

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

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

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

30 (8) engaged in **sexual misconduct with a patient during the course**
31 **of therapy, either within or outside the treatment setting, or within two years**

1 after therapy or counseling with the patient has terminated; in this paragraph,
2 "sexual misconduct" includes sexual contact, as defined in regulations adopted
3 under this chapter, or attempted sexual contact, regardless of the patient's or
4 former patient's consent or lack of consent [LEWD OR IMMORAL CONDUCT IN
5 CONNECTION WITH THE DELIVERY OF PROFESSIONAL SERVICE TO
6 PATIENTS].

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

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

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

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

18 * **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
19 repealed.