

HOUSE CS FOR SENATE BILL NO. 115(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 5/11/02

Referred: Today's Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Marital and Family Therapy and the practitioners of**
2 **marital and family therapy; extending the termination date of the Board of Storage**
3 **Tank Assistance; setting timelines for issuance of final orders by the Regulatory**
4 **Commission of Alaska, amending the authority of the commission to enter compromise**
5 **settlement orders, and extending the commission's termination date to June 30, 2006;**
6 **relating to an exemption that allows one bill to continue more than one board,**
7 **commission, or agency program; and providing for an effective date."**

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

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

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

- 1 (1) Board of Social Work Examiners;
- 2 (2) Board of Dental Examiners;
- 3 (3) Board of Dispensing Opticians;
- 4 (4) State Medical Board;
- 5 (5) Board of Nursing;
- 6 (6) Board of Examiners in Optometry;
- 7 (7) Board of Pharmacy;
- 8 (8) State Physical Therapy and Occupational Therapy Board;
- 9 (9) Board of Professional Counselors;
- 10 (10) Board of Psychologist and Psychological Associate Examiners;

11 [AND]

- 12 (11) Board of Veterinary Examiners; **and**
- 13 **(12) Board of Marital and Family Therapy.**

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

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

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

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

- 22 (1) applies on a form provided by the board;
- 23 (2) pays the fee established under AS 08.01.065;
- 24 (3) furnishes evidence satisfactory to the board that the person

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

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

- 31 (i) three courses or nine semester or 12 quarter hours of

1 course work in marital and family therapy;

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

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

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

8 (v) one course or three semester or four quarter hours of
9 course work in research; and

10 (vi) one year of supervised clinical practice in marital
11 and family therapy;

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

13 has

14 (i) practiced marital and family therapy [WITHIN
15 THREE YEARS OF THE PERSON'S APPLICATION], including
16 1,500 hours of direct clinical contact with couples, individuals, and
17 families; and

18 (ii) been supervised in the clinical contact for at least
19 200 hours, including 100 hours of individual supervision and 100 hours
20 of group supervision approved by the board;

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

22 (E) has passed a written or oral examination administered by

23 the board.

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

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

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

31 (2) the release of information that the client in writing authorized the

1 licensee to reveal;

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

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

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

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

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

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

19 (1) secured a license through deceit, fraud, or intentional
20 misrepresentation;

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

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

24 (4) has been convicted of a felony or of another crime that affects the
25 person's ability to practice competently and safely;

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

28 (6) continued to practice after becoming unfit due to

29 (A) professional incompetence;

30 (B) addiction or severe dependency on alcohol or another drug
31 that impairs the person's ability to practice safely;

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

3 **(8) engaged in sexual misconduct with a client during the course of**
4 **therapy, either within or outside the treatment setting, or within two years after**
5 **therapy or counseling with the client has terminated; in this paragraph, "sexual**
6 **misconduct" includes sexual contact, as defined in regulations adopted under this**
7 **chapter, or attempted sexual contact, regardless of the client's or former client's**
8 **consent or lack of consent.**

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

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

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

17 **Sec. 08.63.230. Disclosure statement.** A client may not be charged a fee for
18 marital and family therapy services unless, before the performance of the services, the
19 client was furnished a copy of a professional disclosure statement that contained

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

22 (2) a description of the formal professional education of the marital
23 and family therapist, including the institutions attended and the degrees received from
24 the institutions;

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

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

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

31 (6) at the bottom of the first page of the statement, the following

1 sentence: "This information is required by the Board of Marital and Family Therapy,
2 which regulates all licensed marital and family therapists," followed by the name,
3 address, and telephone number of the board's office.

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

8 * **Sec. 8.** AS 42.05 is amended by adding a new section to read:

9 **Sec. 42.05.175. Timelines for issuance of final orders.** (a) The commission
10 shall issue a final order not later than six months after a complete application is filed
11 for an application

- 12 (1) for a certificate of public convenience and necessity;
13 (2) to amend a certificate of public convenience and necessity;
14 (3) to transfer a certificate of public convenience and necessity; and
15 (4) to acquire a controlling interest in a certificated public utility.

16 (b) Notwithstanding a suspension ordered under AS 42.05.421, the
17 commission shall issue a final order not later than nine months after a complete tariff
18 filing is made for a tariff filing that does not change the utility's revenue requirement
19 or rate design.

20 (c) Notwithstanding a suspension ordered under AS 42.05.421, the
21 commission shall issue a final order not later than 15 months after a complete tariff
22 filing is made for a tariff filing that changes the utility's revenue requirement or rate
23 design.

24 (d) The commission shall issue a final order not later than 12 months after a
25 complete formal complaint is filed against a utility or, when the commission initiates a
26 formal investigation of a utility without the filing of a complete formal complaint, not
27 later than 12 months after the order initiating the formal investigation is issued.

28 (e) The commission shall issue a final order in a rule making proceeding not
29 later than 24 months after a complete petition for adoption, amendment, or repeal of a
30 regulation under AS 44.62.180 - 44.62.290 is filed or, when the commission initiates a
31 rule making docket, not later than 24 months after the order initiating the proceeding is

1 issued.

2 (f) The commission may extend a timeline required under (a) - (e) of this
3 section if all parties of record consent to the extension or if, before the timeline
4 expires, the commission

5 (1) reasonably finds that good cause exists to extend the timeline; and

6 (2) issues a written order extending the timeline and setting out its
7 findings regarding good cause.

8 (g) The commission shall file quarterly reports with the Legislative Budget
9 and Audit Committee identifying all extensions ordered under (f)(2) of this section
10 during the previous quarter, and including copies of the written orders issued under
11 (f)(2) of this section.

12 (h) If the commission does not issue and serve a final order regarding an
13 application or suspended tariff under section (a), (b), or (c) of this section within the
14 applicable timeline specified, and if the commission does not extend the timeline in
15 accordance with (f) of this section, the application or suspended tariff filing shall be
16 considered approved and shall go into effect immediately.

17 (i) For purposes of this section, "final order" means a dispositive
18 administrative order that resolves all matters at issue and that may be the basis for a
19 petition for reconsideration or request for judicial review.

20 (j) For purposes of this section, an application, tariff filing, formal complaint,
21 or petition is complete if it complies with the filing, format, and content requirements
22 established by statute, regulation, and forms adopted by the commission under
23 regulation.

24 * **Sec. 9.** AS 42.05.191 is amended to read:

25 **Sec. 42.05.191. Contents and service of orders.** Every formal order of the
26 commission shall be based upon the facts of record. **However, the commission may**
27 **issue an order approving any settlement supported by all the parties of record in**
28 **a proceeding, including a compromise settlement, if the settlement is consistent**
29 **with this chapter and AS 42.06.** Every order entered pursuant to a hearing must state
30 the commission's findings, the basis of its findings and conclusions, together with its
31 decision. These orders shall be entered of record and a copy of them shall be served

1 on all parties of record in the proceeding.

2 * **Sec. 10.** AS 44.66.010(a)(4) is amended to read:

3 (4) Regulatory Commission of Alaska (AS 42.04.010) -- June 30, **2006**
4 [2002];

5 * **Sec. 11.** AS 44.66.010(a)(18) is amended to read:

6 (18) Board of Storage Tank Assistance (AS 46.03.360) -- June 30,
7 **2003** [2001];

8 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 EXEMPTION FROM AS 44.66.050(e). This Act is exempt from the provision of
11 AS 44.66.050(e) that prohibits a bill from continuing the existence of more than one board,
12 commission, or agency program.

13 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 PRIOR DOCKETS. The provisions of AS 42.05.175, added by sec. 8 of this Act do
16 not apply to dockets of the Regulatory Commission of Alaska that are initiated before July 1,
17 2002.

18 * **Sec. 14.** Sections 8 - 13 of this Act take effect immediately under AS 01.10.070(c).