

CS FOR HOUSE BILL NO. 135(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/14/03

Referred: Rules

Sponsor(s): REPRESENTATIVES WILSON, Crawford, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to marital and family therapists."**

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

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

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

8 (1) Board of Social Work Examiners;

9 (2) Board of Dental Examiners;

10 (3) Board of Dispensing Opticians;

11 (4) State Medical Board;

12 (5) Board of Nursing;

13 (6) Board of Examiners in Optometry;

14 (7) Board of Pharmacy;

15 (8) State Physical Therapy and Occupational Therapy Board;

1 (9) Board of Professional Counselors;

2 (10) Board of Psychologist and Psychological Associate Examiners;

3 [AND]

4 (11) Board of Veterinary Examiners; **and**

5 **(12) Board of Marital and Family Therapy.**

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

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

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

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

14 (1) applies on a form provided by the board;

15 (2) pays the fee established under AS 08.01.065;

16 (3) furnishes evidence satisfactory to the board that the person

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

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

23 (i) three courses or nine semester or 12 quarter hours of
24 course work in marital and family therapy;

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

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

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

31 (v) one course or three semester or four quarter hours of

1 course work in research; and

2 (vi) one year of supervised clinical practice in marital
3 and family therapy;

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

5 has

6 (i) practiced marital and family therapy [WITHIN
7 THREE YEARS OF THE PERSON'S APPLICATION], including
8 1,500 hours of direct clinical contact with couples, **individuals**, and
9 families; and

10 (ii) been supervised in the clinical contact for at least
11 200 hours, including 100 hours of individual supervision and 100 hours
12 of group supervision approved by the board;

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

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

15 the board.

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

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

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

23 (2) the release of information that the client in writing authorized the
24 licensee to reveal;

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

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

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

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

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

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

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

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

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

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

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

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

21 (A) professional incompetence;

22 (B) addiction or severe dependency on alcohol or another drug

23 that impairs the person's ability to practice safely;

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

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

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

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

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

9 **Sec. 08.63.230. Disclosure statement.** A client may not be charged a fee by a
10 licensed marital and family therapist unless, before the performance of the services,
11 the client was furnished a copy of a professional disclosure statement that contained

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

14 (2) a description of the formal professional education of the marital
15 and family therapist, including the institutions attended and the degrees received from
16 the institutions;

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

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

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

23 (6) at the bottom of the first page of the statement, the following
24 sentence: "This information is required by the Board of Marital and Family Therapy,
25 which regulates all licensed marital and family therapists," followed by the name,
26 address, and telephone number of the board's office.

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