

**ALASKA STATE LEGISLATURE
HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES
STANDING COMMITTEE**

March 11, 2003
2:59 p.m.

DRAFT

MEMBERS PRESENT

Representative Peggy Wilson, Chair
Representative Carl Gatto, Vice Chair
Representative Cheryll Heinze
Representative Paul Seaton
Representative Kelly Wolf
Representative Sharon Cissna
Representative Mary Kapsner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 135

"An Act relating to marital and family therapists."

- MOVED CSHB 135(HES) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 13

Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001.

- MOVED CSHJR 13(HES) OUT OF COMMITTEE

HEARING ON THE REORGANIZATION OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

- HEARD [See 3:35 p.m. minutes for this date]

PREVIOUS ACTION

BILL: HB 135

SHORT TITLE: MARITAL & FAMILY THERAPISTS

SPONSOR(S): REPRESENTATIVE(S) WILSON

Jrn-Date	Jrn-Page		Action
02/26/03	0307	(H)	READ THE FIRST TIME -

			REFERRALS
02/26/03	0307	(H)	L&C, HES
03/05/03		(H)	L&C AT 3:15 PM CAPITOL 17
03/05/03		(H)	Moved Out of Committee MINUTE(L&C)
03/07/03	0464	(H)	L&C RPT 5DP 1AM
03/07/03	0464	(H)	DP: GATTO, CRAWFORD, DAHLSTROM,
03/07/03	0464	(H)	ROKEBERG, ANDERSON; AM: LYNN
03/07/03	0464	(H)	FN1: ZERO(CED)
03/07/03	0464	(H)	REFERRED TO HES
03/11/03		(H)	HES AT 3:00 PM CAPITOL 106

BILL: HJR 13

SHORT TITLE:FEDERAL EDUCATION LAW OF 2001

SPONSOR(S): EDUCATION

Jrn-Date	Jrn-Page		Action
03/05/03	0415	(H)	READ THE FIRST TIME - REFERRALS
03/05/03	0415	(H)	HES
03/05/03	0415	(H)	REFERRED TO HES
03/11/03		(H)	HES AT 3:00 PM CAPITOL 106

WITNESS REGISTER

LARRY HOLMAN, Chair
Marital and Family Therapist Regulatory Board

POSITION STATEMENT: Testified in support of HB 135.

SUSAN ARTH, President
Alaska Association of Marriage and Family Therapists

POSITION STATEMENT: Testified in support of HB 135.

BILL PLATTE
Licensed Marital and Family Therapist
Member, Board of Marital and Family Therapy
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 135.

MARY FRANCES, Executive Director
Alaska Council of School Administrators

POSITION STATEMENT: Announced the Alaska Council of School Administrators' support of HJR 13.

ACTION NARRATIVE

TAPE 03-23, SIDE A

Number 0001

CHAIR PEGGY WILSON called the House Health, Education and Social Services Standing Committee meeting to order at 2:59 p.m. Representatives Wilson, Gatto, Wolf, and Seaton were present at the call to order. Representatives Heinze, Cissna, and Kapsner arrived as the meeting was in progress.

#hb135

HB 135-MARITAL & FAMILY THERAPISTS

DRAFT

CHAIR WILSON announced that the first order of business would be HOUSE BILL NO. 135, "An Act relating to marital and family therapists."

CHAIR WILSON passed the gavel to Vice Chair Gatto so that she could present HB 135.

Number 0072

CHAIR WILSON, speaking as the sponsor of HB 135, informed the committee that HB 135 was requested by the Alaska Association of Marriage and Family Therapy. The Board of Marital and Family Therapy has been in place for 10 years. She explained that the board wants to update its statutory language, and therefore it conducted a nationwide study to determine what changes need to be made to bring the Alaska marital and family therapists up to national standards. Most of HB 135 is housekeeping, although a few areas include substantial changes. Chair Wilson then provided the following sectional analysis. Section 1 adds the Board of Marital and Family Therapy to the list of boards that are able to receive state contracts for treatment, which is of particular importance for the less populated areas of the state. Section 2 specifies that the board may order a marital and family therapist to submit to examinations in order to determine if the therapist is capable of safe practices. The aforementioned usually takes place if there has been a complaint and probable cause exists. She continued with Section 3, which changes the time requirement for licensure from three years to 1,500 working hours, including one-on-one counseling. Section 4 makes exceptions to the confidentiality rule when there is a threat of physical harm to an identified victim or when there is

a disclosure by a licensed health care professional leading to a belief that the [therapist] is acting in an unethical manner. The language change in [Section 4] is standard language in the statutes pertaining to social workers and psychiatrists. Section 5, which includes a substantial change, prohibits sexual misconduct between a client and therapist for two years after the last treatment, which is standard statutory language for health care professionals in Alaska. For social workers, there can be no sexual contact with a client for a lifetime. She continued with Section 6, which allows for suspension of the license if the examination discussed in Section 2 is refused. Section 7 requires that family and marital therapists disclose working information, such as fees and exceptions to confidentiality. The last section, Section 8, specifies that those without proper training can't act as marital and family therapists.

CHAIR WILSON directed attention to Section 7 on page 5, line 8. She informed the committee that during the [March 5, 2003, House Labor and Commerce Standing Committee] hearing Representative Gatto questioned whether any family therapist could [disclose working information] or whether it had to be a licensed family therapist.

Number 0426

REPRESENTATIVE GATTO moved that the committee delete "for marital and family therapy services" on page 5, lines 9-10, and insert "by a licensed marital and family therapist".

Number 0495

LARRY HOLMAN, Chair, Marital and Family Therapist Regulatory Board, began by directing attention to paragraph (6) of Section 4 on page 4. He explained that if a client reports to the Marital and Family Therapist Regulatory Board that a mental health practitioner has done something unethical and unlawful, the Marital and Family Therapist Regulatory Board would be able to, in good faith, report the conduct to the licensing board without being liable for the confidentiality law by which the [Marital and Family Therapist Regulatory Board] is bound.

MR. HOLMAN explained that HB 135 came about as a result of a collaboration between the regulatory board and the Alaska Marriage and Family Therapy Association. The [Marital and Family Therapist Regulatory Board] backs HB 135 because it provides better protection for the public and brings Marital and

Family Therapist Board up to the same level as other boards in the state as well as nationally. Mr. Holman pointed out that some of the standards are crucial due to the associated potential for harm, particularly in the area of sexual misconduct. Mr. Holman concluded by announcing the board's and association's support of HB 135.

VICE CHAIR GATTO asked if Mr. Holman felt that disallowing sexual contact between a therapist and a client for two years would be sufficient time.

MR. HOLMAN replied yes.

Number 0735

SUSAN ARTH, President, Alaska Association of Marriage and Family Therapists, announced strong support of HB 135, which brings these [professionals] into clearer compliance with other states.

Number 0800

REPRESENTATIVE SEATON moved that the committee adopt the amendment as follows:

Page 5, lines 9-10

Delete "for marital and family therapy services"

Insert "by a licensed marital and family therapist"

There being no objection, the amendment was adopted.

Number 0838

BILL PLATTE, Licensed Marital and Family Therapist; Member, Board of Marital and Family Therapy, announced his support of HB 135. He offered to answer any questions.

REPRESENTATIVE SEATON pointed out that HB [92] adds clergy to the list of those required to report child abuse and sexual misconduct. He asked if marital and family therapists required to report cases of child abuse.

MR. PLATTE replied yes.

VICE CHAIR GATTO asked if there is anyone who isn't required to report child abuse.

MR. PLATTE responded that he didn't believe so. He related his understanding that "everyone" has to report child abuse. He noted that in some countries even an average citizen is required to report child abuse.

Number 0979

REPRESENTATIVE SEATON moved to report HB 135 as amended out of committee with individual recommendations and the accompanying zero fiscal notes. There being no objection, CSHB 135(HES) was reported from the House Health, Education and Social Services Standing Committee.

DRAFT

#hjr13

HJR 13-FEDERAL EDUCATION LAW OF 2001

DRAFT

[Vice Chair Gatto returned the gavel to Chair Wilson.]

CHAIR WILSON announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 13, Urging adoption of the Alaska recommendations for implementing the No Child Left Behind Act of 2001.

Number 1044

REPRESENTATIVE GATTO, speaking as the Chair of the House Special Committee on Education, the sponsor of HJR 13, provided the following sponsor statement:

The No Child Left Behind Act (NCLB Act) is a mammoth piece of federal legislation the implications of which encompass nearly every facet of the educational system in the state of Alaska. The implementation of the NCLB Act is a daunting task for every state however it is vital that the Federal Department of Education recognize the true uniqueness of Alaska.

The Alaska Department of Education and Early Development have been working on Alaska's application for two years and have submitted a proposal for peer review. It is important that Alaska be allowed to develop a plan which works well in this extremely large and diverse State of Alaska that we live in. I ask your support of HJR 13, which urges prompt approval of the Alaska consolidated state application accountability workbook so that the children of Alaska

may experience the full benefits that the No Child Left Behind Act promises for each and every child of our state.

REPRESENTATIVE KAPSNER directed the committee's attention to page 2, line 11-14. She inquired as to why the example uses the North Slope Borough School District. She expressed the desire to refrain from pointing to one school district. Therefore, she suggested deleting ";for example, the North Slope Borough School District has an enrollment of fewer than 2,200 students attending 10 schools that are not connected by roads and are spread out over a district covering 88,000 square miles;"

CHAIR WILSON related her belief that the reason the aforementioned language was included was to prove that Alaska is truly unique.

REPRESENTATIVE KAPSNER suggested then that perhaps deletion of the name of the school would be appropriate.

The committee took an at-ease from 3:18 p.m. to 3:20 p.m.

Number 1225

CHAIR WILSON moved that the committee adopt the following Amendment 1:

Page 2, line 11
Delete "the North Slope Borough School"
Insert "one"

Page 2, line 13
Delete "the"
Insert "this"

Page 2, line 14
Delete "North Slope"
Insert "school district"

There being no objection, the Amendment 1 was adopted.

Number 1285

MARY FRANCES, Executive Director, Alaska Council of School Administrators, began by informing the committee that she represents all of the superintendents, school principals, and all the business officials in the state. Ms. Frances said she

believes HJR 13 is an excellent resolution. She noted that the department has submitted the concerns the State of Alaska has with regard to the implementation of the federal law. She pointed out that the federal legislation is difficult for more than just the rural and remote districts. She related the following. The previous president of the State Board of Education is a long-time teacher, 30-35 years, in the Fairbanks School District and under the new guidelines she wouldn't be considered a highly qualified teacher, although she is has been recognized as one of the finest teachers in the state. Ms. Frances noted the Alaska Council of School Administrators' support of HJR 13 and she urged its passage.

Number 1377

REPRESENTATIVE HEINZE moved to report HJR 13 as amended out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 13(HES) was reported from the House Health, Education and Social Services Standing Committee.

DRAFT

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ADJOURNMENT

The committee took a brief at-ease in order for the committee to prepare for the hearing on the reorganization of the Department of Health & Social Services. [For the hearing on the reorganization of the Department of Health & Social Services, see the 3:35 p.m. minutes for this date.]