

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

March 11, 2003
3:00 p.m.

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

Board of Marital and Family Therapy

Anchorage, Alaska

POSITION STATEMENT: Testified via teleconference in support of
HB 135 and answered questions from the members.

SUSAN ARTH, Division President

Alaska Association for Marriage and Family Therapy

Anchorage, Alaska

POSITION STATEMENT: Testified in via teleconference support of
HB 135 and answered questions from the members.

BILL PLATTE, Licensed Marital and Family Therapist

Member, Board of Marital and Family Therapy

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 135 and answered
questions from the members.

MARY FRANCIS, Ph.D., Executive Director

Alaska Council of School Administrators

Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 13 on behalf of the Alaska Council of School Administrators.

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 [3:00 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.

HB 135-MARITAL & FAMILY THERAPISTS

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, sponsor of HB 135, informed the committee that HB 135 was requested by the Alaska Association for 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 Alaska's 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.

CHAIR WILSON explained that 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.

Number 0193

CHAIR WILSON said 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.

CHAIR WILSON continued with Section 3, which changes the time requirement for licensure from three years to 1,500 working hours, including one-on-one counseling.

CHAIR WILSON explained that 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.

CHAIR WILSON told the members that 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.

Number 0337

CHAIR WILSON continued with Section 6, which allows for suspension of the license if the examination discussed in Section 2 is refused.

CHAIR WILSON said Section 7 requires that family and marital therapists disclose working information, such as fees and exceptions to confidentiality.

CHAIR WILSON told the members that the last section, Section 8, specifies that those without proper training cannot 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 hearing [March 5, 2003, House Labor and Commerce Standing Committee] Representative Gatto questioned whether any family therapist could disclose working information or whether it had to be a licensed family therapist.

Number 0426

VICE CHAIR GATTO moved to adopt an amendment that would delete "for marital and family therapy services" on page 5, lines 9-10,

and that would insert "by a licensed marital and family therapist".

Number 0495

LARRY HOLMAN, Chair, Board of Marital and Family Therapy, testified in support of HB 135 and answered questions from the members. He asked the members to look at paragraph (6) of Section 4 on page 4. He explained that if a client reports to the Board of Marital and Family Therapy that a mental health practitioner has done something unethical and unlawful, the board would be able to report the conduct to the licensing board without being liable for violating the confidentiality law by which [the Board of Marital and Family Therapy] is bound.

MR. HOLMAN explained that HB 135 came about as a result of a collaboration between the regulatory board and the Alaska Association for Marriage and Family Therapy. The board backs HB 135 because it provides better protection for the public and brings the Board of Marital and Family Therapy up to the same standards as other mental health boards in state and nationally as well. 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 saying the board and the association support 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 that he believes two years is sufficient.

Number 0735

SUSAN ARTH, Division President, Alaska Association for Marriage and Family Therapy, testified in support of HB 135. She told the committee the association strongly supports this legislation, which would bring professionals into clearer compliance with other states' ethical standards.

Number 0800

REPRESENTATIVE SEATON renewed Vice Chair Gatto's motion to adopt an amendment on page 5, lines 9-10. There being no objection, it was so ordered.

Number 0838

BILL PLATTE, Licensed Marital and Family Therapist; Member, Board of Marital and Family Therapy, testified in support of HB 135 and offered to answer questions from the committee.

REPRESENTATIVE SEATON said the committee was just dealing with a bill which adds clergy to the categories that are required to report child abuse, neglect, and sexual misconduct. He said that on page 3 of this bill it refers only to reporting of physical harm to intended victims. He asked if marital and family therapists are required to report cases of child abuse.

MR. PLATTE replied yes.

REPRESENTATIVE SEATON commented that child abuse must be covered under another statute.

MR. PLATTE responded that is correct.

VICE CHAIR GATTO asked if there is anyone who is not required to report child abuse.

MR. PLATTE responded that he did not believe so. He said he believes everyone has to report child abuse. He noted that in some countries even a fellow citizen is obligated to report child abuse.

VICE CHAIR GATTO announced for the record that Representatives Cissna and Heinze have joined the meeting.

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.

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

HJR 13-FEDERAL EDUCATION LAW OF 2001

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, read the following statement:

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

Number 1116

REPRESENTATIVE KAPSNER began discussion of Amendment 1, and directed the committee's attention to page 2, lines 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 language beginning on page 2, lines 11-14. Start deleting language beginning with "; for example," and continue to the end of line 14 where it ends with a ";", she suggested.

CHAIR WILSON suggested just deleting the name of the school district. She said she believes the reason the aforementioned language was included was to prove that Alaska is truly unique.

REPRESENTATIVE KAPSNER said she see Chair Wilson's point and agreed to the deletion of the name of the school district.

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

Number 1225

CHAIR WILSON moved that the committee adopt the following as 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, Amendment 1 was adopted.

Number 1285

MARY FRANCIS, Ph.D., Executive Director, Alaska Council of School Administrators, began by informing the committee that she represents all of the superintendents, school principals, and business officials in the state. Dr. Francis 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. For example, she told the committee that the previous president of the State Board of Education [and Early Development] is a longtime teacher, 30-35 years, in the Fairbanks School District, and under the new guidelines she would not be considered a highly qualified teacher, even though she has been recognized as one of the finest teachers in the state. Dr. Francis noted the Alaska Council of School Administrators supports 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.

ADJOURNMENT

The committee took a brief at-ease at approximately 3:25 p.m. 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.]