

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

April 23, 2003
1:34 p.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Lyda Green, Vice Chair
Senator Gary Wilken
Senator Bettye Davis
Senator Gretchen Guess

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 135(HES)
"An Act relating to marital and family therapists."

MOVED SCSHB 135(HES) OUT OF COMMITTEE

SENATE BILL NO. 156
"An Act relating to the posting and giving of certain warnings about drinking alcohol during pregnancy when selling or dispensing pregnancy testing kits, birth control devices, or birth control prescriptions."

MOVED SB 156 OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 10
Establishing the Joint Legislative Charter School Task Force.

HEARD AND HELD

Confirmation Hearings

Mr. Mark Doner - Professional Teaching Practices Commission (PTPC)
Mr. Thomas Lamal - PTPC
Mr. Laurence Oldaker - PTPC
Ms. Kimberly Jockusch - PTPC
Ms. Vivian Dailey - PTPC
Mr. Craig Baker - PTPC

CONFIRMATIONS ADVANCED

PREVIOUS ACTION

HB 135 - No previous action to consider.

SB 156 - See Labor and Commerce minutes dated 4/15/03.

WITNESS REGISTER

Representative Peggy Wilson
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 135.

Mr. Larry Holman, Chairperson
Marriage and Family Therapy Regulatory Board
POSITION STATEMENT: Supported HB 135.

Mr. Wes Keller
Staff to Senator Dyson
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Commented on SB 156.

Mr. John Alcantra
Government Relations Director
National Education Association of Alaska (NEAA)
114 2nd Street
Juneau AK 99801
POSITION STATEMENT: Supported SCR 10.

Mr. Kevin Sweeney, Legislative Liaison
Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894
POSITION STATEMENT: Supported SCR 10.

ACTION NARRATIVE

TAPE 03-24, SIDE A

HB 135-MARITAL & FAMILY THERAPISTS

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at 1:34 p.m.

Present were Senators Guess, Wilken, Davis and Dyson. The Chair announced HB 135 to be up for consideration.

REPRESENTATIVE PEGGY WILSON, sponsor, said that HB 135 updates the marital and family therapist statutes to the standards of other counseling services in the state and to national standards as well. It adds this board to the list of boards that can contract out for substance abuse treatment by licensed therapists, gives the board authority to order a licensed therapist to submit to a reasonable physical or mental examination if the board has credible evidence to conclude that the therapist's physical or mental capacity is at risk for safe practice, allows individual client contact to be used toward hours for licensing, and requires the therapist to communicate to a potential victim or law enforcement officer a threat of serious imminent harm if such a threat is made by the client during treatment. It also imposes disciplinary sanctions with regard to therapist sexual misconduct and provides for some disclosure of information as a consumer protection.

CHAIR DYSON asked if the law anticipates that the marriage and family therapist would be talking to the potential perpetrator or knows them, in regard to the provision that would allow the therapist to communicate a threat to a potential victim or police officer.

REPRESENTATIVE WILSON said that is correct.

CHAIR DYSON asked if his understanding is correct that this bill will give that authority to the other people on boards.

REPRESENTATIVE WILSON replied the other boards already have that authority. It is being added here.

CHAIR DYSON asked if this bill makes any changes for the other groups on the list.

REPRESENTATIVE WILSON indicated it does not.

CHAIR DYSON asked for an explanation of the provision that will allow client contact hours to be used towards licensing.

REPRESENTATIVE WILSON answered that in Alaska, especially in rural areas, therapists are sometimes consulted to do family counseling, but do individual counseling also. Until now, therapists have not been able to count the individual counseling hours for licensing purposes.

CHAIR DYSON asked if it allows them to double count the hours.

REPRESENTATIVE WILSON replied it does not.

MR. LARRY HOLMAN, Chairman, Marriage and Family Therapy Regulatory Board, explained that HB 135 is a collaborative effort between the American Family Therapy Regulatory Board and the professional association. This bill is essential because it provides better protection for the public in the areas Representative Wilson talked about. In the area of sexual misconduct, it fills out guidelines similar to those used by other health disciplines. It prohibits a sexual relationship with a client for two years after termination of active treatment. This bill also makes an exception to the confidentiality law that is a usual standard in therapy to report potentially dangerous actions by a client or revealed by a client.

Most therapists provide a disclosure statement, but it isn't very clear sometimes. HB 135 asks them to disclose their education, their areas of specialization, their fees and other related information. It limits the practice of marriage and family therapists to areas of their education or specialized training. All of the provisions derive from many years of practical experience where there has been difficulty either in Alaska or in another state. He said marriage and family therapists use the American Association of Marriage and Family Therapy Code of Ethics, but he has been told it is important to actually put some of the code into law to spell it out more clearly.

CHAIR DYSON asked if a therapist violates the section on sexual contact with a client, that therapist would be subject to actions against their license, not criminal sanctions.

MR. HOLMAN replied that is correct.

SENATOR LYDA GREEN arrived at 1:45 p.m.

SENATOR GREEN said that last year when they dealt with this bill, there were problems with section 7, which says, "A client may not be charged a fee by a licensed marital and family therapist unless before the performance of the services the client was furnished a copy of a professional disclosure statement that contained...."

REPRESENTATIVE WILSON responded that was changed to direct the statute to licensed therapists.

MR. HOLMAN responded that he wasn't sure of that.

SENATOR GREEN said she had never been shown a professional disclosure statement in a doctor or dentist's office. However, HB 135 says the therapist would be punished for forgetting to provide a litany of information to the client. She questioned why the board would want to do that to its own membership and asked, "Have they defrauded the client?"

MR. HOLMAN replied that their code of ethics requires therapists to provide a disclosure, so someone would not forget to do that.

CHAIR DYSON asked if that requirement is in statute for other related disciplines.

MR. HOLMAN replied the disclosure statement language is the same used in other disciplines, but he wasn't sure about the rest.

REPRESENTATIVE WILSON explained when a client comes to a therapist, the client could very likely be distraught over the breakup of a marriage and may not be thinking clearly. That's why it's so important for the client to know he or she will get the disclosure statement.

CHAIR DYSON said he would hold the bill for further work. He wanted to know if the same disclosure requirements were put on the Board of Professional Counselors and the Board of Psychologists and Psychological Associates.

SB 156-PREGNANCY ALCOHOL WARNING

CHAIR FRED DYSON announced SB 156, which he sponsored, to be up for consideration. He explained that several years ago, Senator Pearce introduced and passed a bill requiring that warnings about the danger of drinking while pregnant be posted in bars. He reminded members that prenatal alcohol poisoning of children is the largest cause of permanent mental injury in our nation and that Alaska, arguably, leads the nation in the rate of prenatal alcohol poisoning of children.

CHAIR DYSON said last fall at the state FASFAE summit, a parent suggested the Legislature take the next step to increase awareness amongst sexually active people about the dangers of prenatal alcohol poisoning of children. He contacted the National Pharmacy Board and talked with pharmacists in the state

who thought that should be done anyway. This bill requires that pharmacists post a sign that says drinking while pregnant can damage the unborn child where prescriptions and equipment related to sexual activity are located and to provide that information to customers buying birth control devices or pregnancy testing kits. No one has opposed this idea.

SENATOR GRETCHEN GUESS asked if they would be required to post a sign as opposed to handing the information to everyone who comes in to buy something.

CHAIR DYSON replied they are required to do both. One pharmacist told him he was going to put a sticker on each package.

SENATOR GUESS asked if the pharmacy has the choice or whether it would have to provide that piece of paper every time.

CHAIR DYSON said he thought it was both. A sign would be posted and the customer would get the information.

SENATOR GUESS said she was a little worried about the burden this could place on a clerk at Fred Meyer, for instance, versus the signage, which may be more effective.

MR. WES KELLER, staff to Senator Dyson, commented that the person who actually hands the device to the recipient is required to provide the piece of paper, but the penalty is on the owner or the manager of the business.

SENATOR GUESS envisioned a scenario where a customer in Fred Meyer went to the condom section and then to the checkout counter and no one handed him a notice. She asked if the manager of Fred Meyer would be penalized.

CHAIR DYSON replied if there wasn't a sticker on the package, a clerk would be required to give the customer a piece of paper. He assumed the store would have a supply of stickers at the counter.

SENATOR GUESS asked if he didn't think that places an excessive burden on business.

CHAIR DYSON replied yes, but he didn't think it was any undue burden, not unlike requiring clerks to check for age when selling tobacco. He added that according to the Division of Public Health, the state spends \$1.5 million on every FASFAE child by the time that child reaches 18. He maintained, "My

sense in the business community that I have talked to is that they are glad to do this, particularly as a defense against potential liability."

SENATOR GUESS said notification is a great goal, but she asked him to think logistically about how it would take place in a Fred Meyer store. She asked if the warning would be the same as that in Senator Pearce's legislation.

CHAIR DYSON replied that he thought so.

SENATOR WILKEN moved to pass SB 156 from committee with individual recommendations. There were no objections and it was so ordered.

2:09 p.m.

SCR 10-CHARTER SCHOOL TASK FORCE

CHAIR FRED DYSON announced SCR 10 to be up for consideration.

MR. JOHN ALCANTRA, Government Relations Director, National Education Association of Alaska (NEAA), said that charter schools in Alaska have been very successful and NEAA supports them. To make the task force as successful as possible, he recommended that NEAA appoint a member to the task force because that member would bring knowledge and experience and represent the front line employees who make charter schools successful. The NEAA supports a thorough examination of how the federal No Child Left Behind Law is impacting schools in Alaska, including charter schools.

MR. KEVIN SWEENEY, Legislative Liaison, Department of Education and Early Development (DEED) supported SCR 10, and said the number of charter schools has grown significantly since their inception and DEED envisions adding another 20 to 24 charter schools in the next five years.

CHAIR DYSON asked him if DEED's position reflects the attitude of the governor.

MR. SWEENEY said he hadn't talked to the governor about it, but he didn't think there would be a problem since the governor supports the idea of charter schools.

CHAIR DYSON said he knew the administration was looking for funding for the startup of charter schools.

SENATOR GRETCHEN GUESS added that [DEED] had found federal funding and, if it comes through, the state would not have to fund it.

CHAIR DYSON asked if federal money is available to staff the task force.

MR. SWEENEY replied that DEED asked for \$10 million for charter school startup funds over the next five years and a portion of those grants could probably be used for this activity. The bill had no fiscal note and he didn't know if all costs would be covered. Technically, DEED is not in the Office of the Governor and he suggested amending the bill to include representation by the department.

[SCR 10 was held for further work.]

TAPE 03-24, SIDE B

[2:23 - 3:00 p.m.- Recess]

CHAIR DYSON called the meeting back to order and said the committee would take up the confirmation hearings for the Professional Teaching Practices Commission (PTPC).

MR. MARK DONER, PTPC nominee, said he wanted to be on the Commission because he could make a difference in his profession.

SENATOR GREEN said he would be an excellent appointment.

CHAIR DYSON said he shares Senator Green's high opinion of Mr. Doner.

MR. THOMAS LAMAL, PTPC nominee, said this appointment would give him an opportunity to meet other professionals from around the state, gain knowledge and education in this area and have input into the process.

SENATOR GARY WILKEN thanked him for serving and endorsed his recommendation.

MR. LAURENCE OLDAKER, PTPC, said he is the current chairman of the PTPC and would like to continue in that capacity.

CHAIR DYSON asked what issues the board is dealing with now.

MR. OLDAKER replied that during the last decade, the main issues were contract violations. Videos like Good Touch, Bad Touch were distributed around the state, and along with other factors, awareness of proper behavior of professional personnel with students increased. Those kinds of problems have lessened and more recent issues involve traditional contract violations.

MS. KIMBERLY JOCKUSCH, PTPC nominee, said she feels strongly about high ethical standards for her profession and wants to be part of the process.

CHAIR DYSON asked her about the Wright Group, which she mentioned on her resume'.

MS. JOCKUSCH explained the Wright Group is a commercial company that sells books and also does a lot of training, primarily in the area of literacy.

MS. VIVIAN DAILY, Principal, North Pole High School, said she is the only principal representative on the commission. The reason she wants to serve is because the teaching profession should be held to very high ethical standards.

[3:18 - 3:19 - at ease]

HB 135-MARITAL & FAMILY THERAPISTS

CHAIR FRED DYSON announced HB 135 to be back up for consideration.

SENATOR LYDA GREEN moved to adopt Amendment 1 and objected for the purpose of providing an explanation. She explained that Amendment 1 removes the language that says a client would not have to pay if the disclosure information isn't provided. A new introductory paragraph after "disclosure statement" says, "Before the performance of services, the client will be furnished a copy of a professional disclosure statement that contains...."

SENATOR GREEN removed her objection.

CHAIR DYSON announced that with no further objections to Amendment 1, it was adopted.

SENATOR BETTYE DAVIS moved to pass SCSHB 135(HES) from committee with individual objections. There were no objections and it was so ordered.

CHAIR DYSON asked if anyone had comments on any of the other nominees.

MR. OLDAKER said he met Craig Baker during the last two PTPC meetings and he was well studied, morally strong and no-nonsense, a real deep professional with a family in Kodiak for 10 to 15 years. He appears to be a strong addition to the PTPC.

SENATOR GREEN moved to forward the names of the PTPC nominees to the full body. There were no objections and it was so ordered.

CHAIR DYSON adjourned the meeting at 3:25 p.m.