

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

March 19, 2009

3:05 p.m.

**MEMBERS PRESENT**

Representative Bob Herron, Co-Chair  
Representative Wes Keller, Co-Chair  
Representative Bob Lynn  
Representative Paul Seaton  
Representative Sharon Cissna  
Representative Lindsey Holmes

**MEMBERS ABSENT**

Representative John Coghill

**COMMITTEE CALENDAR**

HOUSE BILL NO. 110

"An Act relating to the practice and licensing of psychologists."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 110

SHORT TITLE: PSYCHOLOGISTS' LICENSING & PRACTICE

SPONSOR(S): REPRESENTATIVE(S) HERRON

02/04/09	(H)	READ THE FIRST TIME - REFERRALS
02/04/09	(H)	HSS, L&C
03/19/09	(H)	HSS AT 3:00 PM CAPITOL 106

**WITNESS REGISTER**

MARIANNA CARPENETI, Staff  
to Representative Bob Herron  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 110 on behalf of the prime sponsor, Representative Herron, and responded to questions.

DR. LORIN BRADBURY, Chair

Board of Psychologist and Psychological Associate Examiners  
Bethel, Alaska

**POSITION STATEMENT:** Answered questions regarding HB 110.

DR. PHILLIP BAKER, Legislative Chair  
Alaska Psychological Association  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions regarding HB 110.

DIANE CASTO, Prevention & Early Intervention Manager  
Prevention and Early Intervention Section  
Division of Behavioral Health  
Department of Health and Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** Spoke about HB 110.

#### **ACTION NARRATIVE**

[3:05:06 PM](#)

**CO-CHAIR WES KELLER** called the House Health and Social Services Standing Committee meeting to order at 3:05 p.m. Representatives Keller, Herron, Seaton, and Holmes were present at the call to order. Representatives Lynn and Cissna arrived as the meeting was in progress. Representative Coghill was excused.

#### HB 110-PSYCHOLOGISTS' LICENSING & PRACTICE

[3:05:39 PM](#)

CO-CHAIR KELLER announced that the first order of business would be HOUSE BILL NO. 110, "An Act relating to the practice and licensing of psychologists."

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CO-CHAIR HERRON, speaking as the prime sponsor of HB 110, said that the bill was at the request of his constituency.

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MARIANNA CARPENETTI, Staff to Representative Bob Herron, Alaska State Legislature, said that HB 110 was introduced at the behest of the Board of Psychologists and Psychological Associates. She

explained that HB 110 referred to the licensing of psychological associates. She noted that the most important change was to amend AS 08.86.180(b) which provided exemptions to the licensing law. She opined that the current statute was vague, and offered an impression that employees of the government, educational institutions, or private agencies could work as a psychologist without a license. She noted that this was a public safety issue. She said that the Board of Psychologists and Psychological Associates suggested that the only exemption be for school psychologists, under very limited conditions. She noted that Section 2 of HB 110 also allowed an exemption for an employee of the federal government while on the discharge of official duties, which clarified the legal doctrine of federal pre-emption. She summarized the two additional changes: removal of the time limit for licensure reexamination; expansion of the definition "to practice psychology" to now include unpaid services, which would conform the statute to the American Psychological Association's model licensure act.

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REPRESENTATIVE HOLMES asked to clarify that Section 2(b)(1) would not have any negative effect on the University of Alaska, non-profits, Department of Health and Social Services, or the municipalities.

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MS. CARPENETI expressed that it would only have a positive affect. She reiterated that HB 110 only dealt with people offering psychological services. She compared psychological associates to mid-level providers. She declared that HB 110 would ensure the qualifications for psychological associates.

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REPRESENTATIVE SEATON asked if there were any other jobs requiring these qualifications which this bill would impact.

MS. CARPENETI said there were not.

REPRESENTATIVE SEATON asked if there were jobs that had this examination as criteria for employment. He asked for clarification of who HB 110 would affect.

MS. CARPENETI, in response to Representative Seaton, said that the bill was preventative. She explained that in the last year,

there had been two cease and desist orders for individuals practicing without the proper licensing.

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REPRESENTATIVE SEATON referred to Section 1, line 8, of HB 110, and asked for a definition for psychometry.

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DR. LORIN BRADBURY, Chair, Board of Psychologist and Psychological Associate Examiners, in response to Representative Seaton, said that HB 110 required licensing, and clarified the ambiguous language of the statute, in order to make it easier for interpretation and enforcement.

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CO-CHAIR KELLER asked if the state had taken action against anyone practicing as psychologists.

DR. BRADBURY replied that the Board would only receive a notice of action from the investigative unit, which would include a letter to cease and desist. He noted that names were not revealed, unless there was a resistance to compliance.

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CO-CHAIR HERRON commented that HB 110 would ensure that no one without a license could bill for the service.

DR. BRADBURY said that the Board requested public clarification that no one could practice psychology in Alaska without a license.

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REPRESENTATIVE SEATON asked if a license examination requirement was to have a recommendation from a licensed psychologist, regardless of the degree an individual had earned.

DR. BRADBURY replied that an application had to be made to the licensing board, and then, if the educational requirements were met, the board would approve the examination. He further explained that a psychological associate license required 2 years of supervised practice, and a psychologist license required an additional year of supervision.

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REPRESENTATIVE SEATON asked if there were any other jobs that would require this license. He specified that he wanted to know who was being restricted from jobs with this bill.

DR. BRADBURY replied that it would prevent someone from stating that they were a psychologist and having a client. He explained that the licensing board was responsible for the protection of the public.

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REPRESENTATIVE CISSNA said that many health problems included mental health problems. She noted that the tribal health system had community health aides and behavioral health aides, and she expressed concern that HB 110 would jeopardize these necessary positions.

DR. BRADBURY responded that it would not impact these positions, and that HB 110 would only affect those referring to themselves as psychologists or psychological associates, without the proper licensing.

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CO-CHAIR KELLER noted that "psychologist" was not well defined in the statute. He asked about the exemption for psychotherapists and psychoanalysts.

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DR. BRADBURY said that HB 110 did not address those exemptions, although he noted that it was standard language from the 1987 APA Model Act for State Licensure of Psychologists. He reported that an updated model act was currently being drafted. He referred to AS 08.86.180(d), which guaranteed that other licensed health professionals were not impacted.

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CO-CHAIR KELLER referred to the earlier mentioned criteria for a psychologist which included therapy given to "a client," yet, he noted in Section 3 that "for a fee" was proposed to be removed from AS 08.86.230(6). He expressed concern that this proposal to amend allowed for too broad a context.

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DR. PHILLIP BAKER, Legislative Chair, Alaska Psychological Association, expressed that the current statute allowed for consumer vulnerability that should be clarified and amended. He reported that the psychologist services were controlled and defined and that services were not being provided by people without the appropriate training. He expressed support for HB 110. In response to an earlier question from Representative Seaton, he noted that psychometry meant psychological testing.

[3:36:21 PM](#)

REPRESENTATIVE SEATON referred to the proposed definition for "to practice psychology" in Section 3 of HB 110, and asked if there was anyone else offering these services. He opined that it was too broad.

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DR. BRADBURY clarified that the proposed definition was not addressing "counseling." He stated that the definition was for those offering psychological services as psychologists.

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REPRESENTATIVE SEATON replied that the proposed definition would require a license "to practice psychology." He asked for Dr. Bradbury to interpret Section 3 of HB 110.

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DR. BRADBURY explained that Section 3 specifically addressed those who were licensed to practice independently. He said that the attorneys for the American Psychological Association (APA) suggested the removal of "for a fee."

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REPRESENTATIVE SEATON detailed the unintended consequence of amending the definition of "to practice psychology" by removing "for a fee" in Section 3 of HB 110. He offered his opinion that everyone who had a prior exemption would now have to be a licensed psychologist.

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REPRESENTATIVE LYNN asked if the difference between psychologists and psychiatrists was the authority to prescribe medication.

DR. BRADBURY agreed, and he noted that psychiatrists were exempted in Section 2(b)(5).

REPRESENTATIVE LYNN asked about other distinctions for psychiatrists which were not listed in Section 3 of HB 110.

DR. BRADBURY replied that a psychiatrist does not engage in psychological testing.

REPRESENTATIVE LYNN asked about the use of psychometrics.

DR. BRADBURY agreed that both professions often used the results of a licensed psychologist to establish a diagnosis.

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REPRESENTATIVE CISSNA cited examples of counseling services, including peer counseling for substance abuse and volunteers in the prisons, which could be included in Section 2 of HB 110. She expressed a desire for an opinion from Legislative Legal and Research Services that these classifications of counseling services were not affected.

DR. BRADBURY, in response to Representative Cissna, referred to Section 2 of the bill, proposed AS 08.86.180(b)(1), and said that these aforementioned were peer counselors, and were not trained to offer psychological services. He said there was not any intent to affect these peer counselors.

[3:53:02 PM](#)

REPRESENTATIVE CISSNA clarified that she meant to refer to Section 3 of the bill, the discussion of "to practice psychology," and stated that the aforementioned counselors were not psychologists.

DR. BRADBURY, in response to Representative Cissna, reiterated that this was the language from the 1987 APA Model Act for State Licensure of Psychologists.

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DR. BAKER, in response to Representative Cissna, said that there were four mental health licenses and "that all of them were there to provide mental health care services in urban and rural areas." He agreed that there were similar services, which provided psychological services based on training, but not examination. He explained that this was part of the original mental health service license. He expressed that, through the definition of the license, it was possible to define the practice of psychology. He said that this did not restrict providers, but that the specialized training allowed specific providers to call themselves psychologists.

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DR. BRADBURY read from AS 08.86.180(d):

Nothing in this section prohibits a licensed clinical social worker, a licensed marriage or family therapist, or a licensed professional counselor from holding out to the public by a title or description of services incorporating the words psychoanalysis, psychoanalyst, psychotherapy, psychotherapist, or psychotherapeutic.

He explained that they are exempted. He also referred to Section 2(b)(5) of the bill, and noted that a physician was also exempted. He expressed that there was a great deal of overlap among the providers.

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CO-CHAIR HERRON asked that the statute which Dr. Bradbury read be included in the members' packets.

[4:00:19 PM](#)

CO-CHAIR KELLER asked about the psychological associate examination.

[4:00:41 PM](#)

DR. BRADBURY, in response to Co-Chair Keller, spoke about the two licenses the Board of Psychologists and Psychological Associates offered: psychologist and psychological associate. He said that both licenses required the same two-part test, which included the Examination for Professional Practice in Psychology (EPPP) exam, and the state law and ethics exam. He

added that this exam was in addition to the educational and supervisorial criteria.

4:02:24 PM

DIANE CASTO, Prevention & Early Intervention Manager, Prevention and Early Intervention Section, Division of Behavioral Health, Department of Health and Social Services (DHSS), reported that DHSS had discussed the possible impacts to tribal health or mental health and concluded that HB 110 would not impact its services. She noted that due to the low number of psychologists and associate psychologists in Alaska, the majority of behavioral health services were adequately provided by

a qualified member of another profession, in doing work of a psychological nature consistent with that person's training and consistent with the code of ethics...

She offered her belief that the critical nature was for people to practice what they had been trained. She noted that there was training for peer counselors, behavioral health aides, substance abuse counselors, and providers in the rural human service program. She clarified that many small communities had contract psychologists to do the psychological testing. She referred to the exemption provided by the proposed AS 08.86.180(b)(4) in Section 2 of the bill.

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REPRESENTATIVE SEATON referred to Section 3 of the bill, and asked if the proposed elimination of "for a fee" was of concern to DHSS. He offered his belief that this proposed change to Section 3 would eliminate the exemption in Section 2, mentioned above, and these persons would now be practicing psychology.

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MS. CASTO, in response to Representative Seaton, observed that the definition had been in law for some time. She pointed out that people did provide services, regardless of a fee or not. She offered her belief that the definition in Section 3 of the bill was referring to a specific group, identified as psychologists. She specified that psychological testing was the specific training to differentiate the psychologists and the counselors.

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REPRESENTATIVE HOLMES referred to Section 2(b)(4) and questioned the use of the word "profession" instead of "occupation," as "profession" was understood to be for a higher level of education and training. She noted that if a service provider's role did not have a code of ethics, then it would not be covered under this proposed subsection.

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CO-CHAIR KELLER asked about the set rates for reimbursement to the providers.

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MS. CASTO agreed that there were set rates, but that she did not know the specific rates.

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REPRESENTATIVE CISSNA mentioned Alcoholics Anonymous (AA) as a group without formal training but with experience. She endorsed the need for peer level, non-conventional provider groups. She reiterated her earlier request for an opinion from Legislative Legal and Research Services.

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CO-CHAIR KELLER reiterated the earlier comment by Representative Seaton that the law was vague, and upon change, the vaguery became larger.

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REPRESENTATIVE LYNN observed that licensing indicated a level of knowledge and competence.

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REPRESENTATIVE SEATON said that the removal of "for a fee" changed the meaning to include anyone engaged in the activity.

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CO-CHAIR HERRON, in response to Representative Seaton, reiterated the testimony of Dr. Bradbury in which he stated that the national association of lawyers recommended it.

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CO-CHAIR KELLER noted that public testimony would remain open.

[HB 110 was held over.]

REPRESENTATIVE LYNN pointed out that a psychologist offering pro bono work would be "without a fee."

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**ADJOURNMENT**

There being no further business before the committee, the House Health and Social Services Standing Committee meeting was adjourned at 4:23 p.m.