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SENATE CS FOR HOUSE BILL NO. 126(FIN) am S
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 5/15/24

Offered: 5/10/24

Sponsor(s): REPRESENTATIVES WRIGHT, Story, Hannan, Ruffridge, Galvin, Prax, Saddler

SENATORS Wilson, Kaufman, Giessel, Dunbar, Merrick, Claman, Kawasaki, Hughes

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Professional Counselors; relating to licensing of**
2 **associate counselors; relating to marital and family therapists; relating to telehealth;**
3 **relating to review organizations and permitting an emergency medical services provider**
4 **to establish a review organization; relating to patient records; relating to disclosure and**
5 **reporting of health care services, prices, and fee information; relating to the health care**
6 **professionals workforce enhancement program; prohibiting unfair discrimination under**
7 **group health insurance against associate counselors; relating to medical assistance for**
8 **professional counseling services; relating to mental health professionals; relating to**
9 **health care provider liability; and providing for an effective date."**

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

11 *** Section 1.** AS 08.02.110(a) is amended to read:

12 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-

1 language pathologist licensed under AS 08.11, a behavior analyst licensed under
 2 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
 3 professional **or associate** counselor licensed under AS 08.29, a dentist under
 4 AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a massage therapist
 5 licensed under AS 08.61, a marital and family therapist licensed under AS 08.63, a
 6 medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified
 7 under AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an
 8 optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical
 9 therapist or occupational therapist licensed under AS 08.84, a psychologist under
 10 AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as
 11 professional identification appropriate letters or a title after that person's name that
 12 represents the person's specific field of practice. The letters or title shall appear on all
 13 signs, stationery, or other advertising in which the person offers or displays personal
 14 professional services to the public. In addition, a person engaged in the practice of
 15 medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any
 16 manner in the healing arts who diagnoses, treats, tests, or counsels other persons in
 17 relation to human health or disease and uses the letters "M.D." or the title "doctor" or
 18 "physician" or another title that tends to show that the person is willing or qualified to
 19 diagnose, treat, test, or counsel another person, shall clarify the letters or title by
 20 adding the appropriate specialist designation, if any, such as "dermatologist,"
 21 "radiologist," "audiologist," "naturopath," or the like.

22 * **Sec. 2.** AS 08.02.130(j)(1) is amended to read:

23 (1) "health care provider" means

24 (A) an audiologist or speech-language pathologist licensed
 25 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
 26 licensed under AS 08.20; a professional **or associate** counselor licensed under
 27 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under
 28 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath
 29 licensed under AS 08.45; a marital and family therapist licensed under
 30 AS 08.63; a physician licensed under AS 08.64; a podiatrist, osteopath, or
 31 physician assistant licensed under AS 08.64; a direct-entry midwife certified

1 under AS 08.65; a nurse licensed under AS 08.68; a dispensing optician
 2 licensed under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist
 3 licensed under AS 08.80; a physical therapist or occupational therapist licensed
 4 under AS 08.84; a psychologist or psychological associate licensed under
 5 AS 08.86; or a social worker licensed under AS 08.95; or

6 (B) a physician licensed in another state;

7 * **Sec. 3.** AS 08.29.020(a) is amended to read:

8 (a) In addition to the duties specified in AS 08.01, the board shall

9 (1) license professional counselors **and associate counselors**, establish
 10 criteria for supervisor certification **and associate counselor licensure**, and certify
 11 approved counselor supervisors under this chapter; the board may provide for
 12 licensure in areas of counseling specialization;

13 (2) establish continuing education requirements for the renewal of a
 14 license under this chapter;

15 (3) adopt, by regulation, a code of ethics that must be observed by
 16 persons licensed under this chapter;

17 (4) establish education and training requirements that must be met
 18 before a professional counselor can administer and use assessment instruments
 19 described in AS 08.29.490(1)(C); and

20 (5) enforce the provisions of this chapter and adopt regulations
 21 necessary to carry out the board's duties under this chapter.

22 * **Sec. 4.** AS 08.29.100(a) is amended to read:

23 (a) A person who is not licensed under this chapter may not

24 (1) profess to be a licensed professional counselor, a professional
 25 counselor, [OR] a licensed counselor, **or an associate counselor**; or

26 (2) make use of a title, words, letters, or abbreviations that may
 27 reasonably be confused with the title of "licensed professional counselor,"
 28 "professional counselor," [OR] "licensed counselor, [.]" **or "associate counselor."**

29 * **Sec. 5.** AS 08.29.110(a) is amended to read:

30 (a) The board shall issue a professional counselor license to a person who
 31 applies for the license, submits the required fee, [SUBMITS TWO LETTERS OF

1 RECOMMENDATION FROM PROFESSIONAL COUNSELORS WHO ARE
 2 FAMILIAR WITH THE APPLICANT'S PRACTICE OF PROFESSIONAL
 3 COUNSELING,] and presents evidence satisfactory to the board that the person

4 (1) is at least 18 years of age;

5 (2) is not under investigation in this or another jurisdiction for an act
 6 that would constitute a violation of this chapter;

7 (3) has not had a license related to the practice of counseling,
 8 psychology, marital and family therapy, or social work in this or another jurisdiction
 9 suspended, revoked, or surrendered in lieu of discipline unless the license has been
 10 fully reinstated in that jurisdiction;

11 (4) has passed a written examination as required by the board; the
 12 board may provide that passing a nationally recognized examination for professional
 13 counselors is sufficient to meet the examination requirement of this paragraph;

14 (5) has successfully completed either

15 (A) an earned doctoral degree in counseling or a related
 16 professional field from a regionally or nationally accredited institution of
 17 higher education approved by the board; or

18 (B) an earned master's degree in counseling or a related
 19 professional field, from a regionally or nationally accredited institution of
 20 higher education approved by the board, and at least 60 graduate semester
 21 hours in counseling [DURING OR AFTER EARNING THE MASTER'S
 22 DEGREE]; and

23 (6) has, after earning the degree required under either (5)(A) or (B) of
 24 this subsection, **successfully completed an associate counselor program authorized**
 25 **in regulations of the board or completed** [HAD] at least 3,000 hours of supervised
 26 experience in the practice of professional counseling performed over a period of at
 27 least two years under the supervision of a supervisor approved under **regulations of**
 28 **the board** [AS 08.29.210], with at least 1,000 hours of direct counseling with
 29 individuals, couples, families, or groups and at least 100 hours of **direct** [FACE-TO-
 30 FACE] supervision [BY A SUPERVISOR] approved [UNDER AS 08.29.210
 31 UNLESS,] under regulations of the board [, THE BOARD ALLOWS THE

1 SUPERVISION TO BE BY TELEPHONIC OR ELECTRONIC MEANS BECAUSE
2 OF THE REMOTE LOCATION OF THE COUNSELOR].

3 * **Sec. 6.** AS 08.29.120(a) is amended to read:

4 (a) Except as provided in (b) of this section, the board may issue a license
5 under this chapter to a person who is licensed in another jurisdiction to practice **as a**
6 professional **counselor or associate counselor** [COUNSELING] if the board finds
7 that the other jurisdiction has substantially the same or higher licensure requirements
8 as this state.

9 * **Sec. 7.** AS 08.29.220 is amended to read:

10 **Sec. 08.29.220. Disclosure statement.** A client may not be charged a fee for
11 professional counseling services unless, before the performance of the services, the
12 client was furnished a copy of a professional disclosure statement that contained

13 (1) the name, title, business address, and business telephone number of
14 the professional counselor **or associate counselor**;

15 (2) a description of the formal professional education of the
16 professional counselor **or associate counselor**, including the institutions attended and
17 the degrees received from them;

18 (3) the [PROFESSIONAL COUNSELOR'S] areas of specialization
19 and the services available **of the professional counselor or associate counselor**;

20 (4) the [PROFESSIONAL COUNSELOR'S] fee schedule listed by
21 type of service or hourly rate **of the professional counselor or associate counselor**;

22 (5) at the bottom of the first page of the statement, the following
23 sentence: "This information is required by the Board of Professional Counselors which
24 regulates all licensed professional counselors **and associate counselors**," followed by
25 the name, address, and telephone number of the board's office.

26 * **Sec. 8.** AS 08.29.400(a) is amended to read:

27 (a) The board may impose a disciplinary sanction under AS 08.01.075 on a
28 person licensed under this chapter or deny a license to a person when the board finds
29 that the person

30 (1) has an addiction to, or severe dependency on, alcohol or other
31 drugs that impairs the person's ability to engage safely in the practice of professional

1 counseling;

2 (2) has been convicted of a felony and has not been sufficiently
3 rehabilitated to merit the public trust;

4 (3) used fraud, deception, misrepresentation, or bribery in securing a
5 license under this chapter or in obtaining permission to take an examination required
6 under this chapter;

7 (4) is incompetent or has committed misconduct, fraud,
8 misrepresentation, or dishonesty in the performance of the functions of a licensed
9 professional counselor **or associate counselor**;

10 (5) violated, or assisted another individual to violate, a provision of
11 this chapter or a regulation adopted under this chapter;

12 (6) impersonated a person who holds a license under this chapter;

13 (7) has had a license related to the practice of counseling, psychology,
14 marital and family therapy, or social work in this or another jurisdiction revoked,
15 suspended, limited, or surrendered in lieu of discipline upon grounds for which a
16 license issued under this chapter could be revoked, suspended, limited, or surrendered
17 in lieu of discipline; this paragraph does not apply to license actions for failure to pay
18 a renewal fee;

19 (8) assisted another person who is not licensed under this chapter in an
20 attempt to represent the person to the public as a licensed professional counselor **or**
21 **associate counselor**;

22 (9) was issued a license based on a material mistake of fact;

23 (10) used an advertisement or solicitation that is false, misleading, or
24 deceptive to the general public or the person to whom the advertisement was primarily
25 directed; or

26 (11) failed to respond within 30 days to a written communication from
27 the board concerning an investigation by the board or failed to make available to the
28 board a relevant record with respect to an investigation about the licensee's conduct or
29 background.

30 * **Sec. 9.** AS 08.63.100(a) is amended to read:

31 (a) The board shall issue a license to practice marital and family therapy to a

1 person who

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

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

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

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

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

11 (i) [THREE COURSES OR] nine semester or 12
12 quarter hours of course work in marital and family therapy;

13 (ii) [THREE COURSES OR] nine semester or 12
14 quarter hours of course work in marital and family studies;

15 (iii) [THREE COURSES OR] nine semester or 12
16 quarter hours of course work in human development;

17 (iv) [ONE COURSE OR] three semester or four quarter
18 hours of course work in professional studies or professional ethics and
19 law;

20 (v) [ONE COURSE OR] three semester or four quarter
21 hours of course work in research; and

22 (vi) nine semester or 12 quarter hours [ONE YEAR]
23 of supervised clinical practice in marital and family therapy;

24 (C) after receiving a degree described in (B) of this paragraph,
25 has practiced supervised marital and family therapy in this state or another
26 jurisdiction, including 1,700 hours of clinical contact with couples,
27 individuals, and families; the 1,700 hours of clinical contact must include at
28 least

29 (i) 100 hours of individual supervision approved by
30 the board; and

31 (ii) 100 hours of either individual or group

1 supervision, or a combination of those hours, approved by the board;
 2 [THE 100 HOURS OF INDIVIDUAL SUPERVISION AND 100
 3 HOURS OF GROUP SUPERVISION MAY BE CONDUCTED BY
 4 ONE OR MORE SUPERVISORS;]

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

6 (E) has passed a written or oral examination administered by
 7 the board.

8 * **Sec. 10.** AS 08.63.100(b) is amended to read:

9 (b) Under regulations adopted by the board, a person who holds a master's or
 10 doctorate degree in marital and family therapy or allied mental health field from a
 11 regionally accredited educational institution approved by the board, but whose course
 12 of degree study did not include all the course work [COURSES] or clinical practice
 13 requirements set out in (a)(3)(B) of this section may substitute post-degree course
 14 work [COURSES] or practice, as approved by the board, to satisfy the requirements
 15 of (a)(3)(B) of this section.

16 * **Sec. 11.** AS 08.63.110(c) is amended to read:

17 (c) A license for supervised practice expires four years from the date of
 18 issuance but may be extended because of extenuating circumstances at the
 19 discretion of the board [AND MAY NOT BE RENEWED].

20 * **Sec. 12.** AS 08.63.900(6) is amended to read:

21 (6) "supervision" means synchronous [FACE-TO-FACE]
 22 consultation, direction, review, evaluation, and assessment of the practice of the
 23 person being supervised, including direct observation and the review of case
 24 presentations, audio recordings [TAPES], and video recordings [TAPES].

25 * **Sec. 13.** AS 08.86.180(d) is amended to read:

26 (d) Nothing in this section prohibits a licensed clinical social worker, a
 27 licensed marital and family therapist, or a licensed professional or associate counselor
 28 from holding out to the public by a title or description of services incorporating the
 29 words "psychoanalysis," "psychoanalyst," "psychotherapy," "psychotherapist," or
 30 "psychotherapeutic."

31 * **Sec. 14.** AS 09.65.300(a) is amended to read:

1 (a) Except as otherwise provided in this section, a health care provider who
 2 provides health care services to another person is not liable for civil damages resulting
 3 from an act or omission in providing the health care services if the health care

4 (1) provider is licensed in this state to provide health care services; in
 5 this paragraph, "health care provider" includes a health care provider who holds a
 6 temporary license or permit to practice as a health care provider;

7 (2) services provided were within the scope of the health care
 8 provider's license;

9 (3) services were provided

10 (A) at a medical clinic, medical facility, nonprofit facility,
 11 temporary emergency site, or other facility owned or operated by a
 12 governmental entity or nonprofit organization and the health care provider was
 13 acting within the scope of the provider's responsibilities in the medical clinic,
 14 governmental entity, or nonprofit organization; or

15 (B) through telehealth under AS 08.02.130 while the health
 16 care provider was located at a clinic, facility, or site listed in (A) of this
 17 paragraph or the private office of the health care provider and the health
 18 care provider was acting within the scope of the provider's responsibilities
 19 at the clinic, facility, or site listed in (A) of this paragraph;

20 (4) services were provided voluntarily and without pay to the health
 21 care provider for the services, except as provided in (b)(2) and (3) of this section; and

22 (5) provider

23 (A) obtains informed consent in writing from the person
 24 receiving the health care services as described under AS 09.55.556, except in
 25 the case of an emergency;

26 (B) provides the person receiving the health care services
 27 advance written notice of the immunity provided under this section to a health
 28 care provider when providing voluntary health care services as described under
 29 this section; and

30 (C) provides the person receiving health care services with
 31 written notice of the name of a licensed health care provider in the state that

1 the person receiving health care services may contact for emergency follow-up
2 care within 30 days after a procedure is performed.

3 * **Sec. 15.** AS 09.65.300(c)(1) is amended to read:

4 (1) "health care provider" means a physician, physician assistant,
5 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,
6 practical nurse, advanced practice registered nurse, naturopath, physical therapist,
7 occupational therapist, marital and family therapist, psychologist, psychological
8 associate, behavior analyst, assistant behavior analyst, licensed clinical social worker,
9 athletic trainer, [OR] certified direct-entry midwife, **licensed professional counselor,**
10 **or licensed associate counselor;**

11 ** **Sec. 16.** AS 18.23.070(1) is amended to read:

12 (1) "administrative staff" means the staff of **an agency, institution, or**
13 **organization that provides health care** [A HOSPITAL OR CLINIC];

14 * **Sec. 17.** AS 18.23.070(3) is amended to read:

15 (3) "health care provider" means an acupuncturist licensed under
16 AS 08.06; a chiropractor licensed under AS 08.20; a dental hygienist licensed under
17 AS 08.32; a dentist licensed under AS 08.36; **a physician or podiatrist licensed**
18 **under AS 08.64;** a nurse licensed under AS 08.68; a dispensing optician licensed
19 under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist licensed under
20 AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; [A
21 PHYSICIAN LICENSED UNDER AS 08.64; A PODIATRIST;] a psychologist and a
22 psychological associate licensed under AS 08.86; **an organization or government**
23 **agency that is certified or licensed to provide emergency medical services under**
24 **AS 18.08;** a hospital as defined in AS 47.32.900, including a governmentally owned
25 or operated hospital; and an employee of a health care provider acting within the
26 course and scope of employment;

27 * **Sec. 18.** AS 18.23.070(5) is amended to read:

28 (5) "review organization" means

29 (A) a hospital governing body or a committee whose
30 membership is limited to health care providers and administrative staff, except
31 where otherwise provided for by state or federal law, and that is established by

1 a hospital, by a clinic, by one or more state or local associations of health care
2 providers, by an organization of health care providers from a particular area or
3 medical institution, **by an organization or government agency that provides**
4 **emergency medical services**, or by a professional standards review
5 organization established under 42 U.S.C. 1320c-1, to gather and review
6 information relating to the care and treatment of patients for the purposes of

7 (i) evaluating and improving the quality of health care
8 rendered in the area or medical institution;

9 (ii) reducing morbidity or mortality;

10 (iii) obtaining and disseminating statistics and
11 information relative to the treatment and prevention of diseases, illness,
12 and injuries;

13 (iv) developing and publishing guidelines showing the
14 norms of health care in the area or medical institution;

15 (v) developing and publishing guidelines designed to
16 keep the cost of health care within reasonable bounds;

17 (vi) reviewing the quality or cost of health care services
18 provided to enrollees of health maintenance organizations;

19 (vii) acting as a professional standards review
20 organization under 42 U.S.C. 1320c;

21 (viii) reviewing, ruling on, or advising on controversies,
22 disputes, or questions between a health insurance carrier or health
23 maintenance organization and one or more of its insured or enrollees;
24 between a professional licensing board, acting under its powers of
25 discipline or license revocation or suspension, and a health care
26 provider licensed by it when the matter is referred to a review
27 organization by the professional licensing board; between a health care
28 provider and the provider's patients concerning diagnosis, treatment, or
29 care, or a charge or fee; between a health care provider and a health
30 insurance carrier or health maintenance organization concerning a
31 charge or fee for health care services provided to an insured or enrollee;

1 or between a health care provider or the provider's patients and the
 2 federal or a state or local government, or an agency of the federal or a
 3 state or local government;

4 (ix) acting on the recommendation of a credential
 5 review committee or a grievance committee;

6 (B) the State Medical Board established by AS 08.64.010;

7 (C) a committee established by the commissioner of health and
 8 approved by the State Medical Board to review public health issues regarding
 9 morbidity or mortality; at least 75 percent of the committee members must be
 10 health care providers;

11 (D) the Joint Commission on Accreditation of Healthcare
 12 Organizations (JCAHO).

13 * **Sec. 19.** AS 18.23.400(n)(3) is amended to read:

14 (3) "health care facility" means a private, municipal, or state hospital,
 15 psychiatric hospital, emergency department, independent diagnostic testing facility,
 16 residential psychiatric treatment center as defined in AS 47.32.900, kidney disease
 17 treatment center (including freestanding hemodialysis units), office of a private
 18 physician or dentist whether in individual or group practice, ambulatory surgical
 19 center as defined in AS 47.32.900, freestanding birth center as defined in
 20 AS 47.32.900, and rural health clinic as defined in AS 47.32.900; "health care facility"
 21 does not include

22 (A) the Alaska Pioneers' Home and the Alaska Veterans' Home
 23 administered by the department under AS 47.55;

24 (B) an assisted living home as defined in AS 47.33.990;

25 (C) a nursing facility licensed by the department to provide
 26 long-term care;

27 (D) a facility operated by an Alaska tribal health organization;

28 [AND]

29 (E) a hospital operated by the United States Department of
 30 Veterans Affairs or the United States Department of Defense, or any other
 31 federally operated hospital or institution; **or**

1 **(F) a hospital subject to 45 C.F.R. 180 as that section read**
 2 **on the effective date of this Act or any other federal price transparency**
 3 **requirements that are reasonably similar to or exceed the requirements in**
 4 **this section;**"

5 * **Sec. 20.** AS 18.29.190(9) is amended to read:

6 (9) "tier II health care professional" means a person who spends not
 7 less than 50 percent of the person's time on direct patient health care services and who
 8 is licensed or exempt from licensure in the state as a dental hygienist, advanced
 9 practice registered nurse, registered nurse, physician assistant, physical therapist,
 10 professional counselor, **associate counselor**, board certified behavior analyst, marital
 11 and family therapist, clinical social worker, or other health care professional as
 12 determined by the commissioner;

13 * **Sec. 21.** AS 21.36.090(d) is amended to read:

14 (d) Except to the extent necessary to comply with AS 21.42.365 and
 15 AS 21.56, a person may not practice or permit unfair discrimination against a person
 16 who provides a service covered under a group health insurance policy that extends
 17 coverage on an expense incurred basis, or under a group service or indemnity type
 18 contract issued by a health maintenance organization or a nonprofit corporation, if the
 19 service is within the scope of the provider's occupational license. In this subsection,
 20 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
 21 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,
 22 physical therapist, occupational therapist, marital and family therapist, psychologist,
 23 psychological associate, licensed clinical social worker, licensed professional
 24 counselor, **licensed associate counselor**, certified direct-entry midwife, or dental
 25 hygienist holding an advanced practice permit.

26 * **Sec. 22.** AS 47.07.900(16) is amended to read:

27 (16) "professional counseling services" means services within the
 28 practice of professional counseling provided by a person licensed as a professional **or**
 29 **associate** counselor under AS 08.29; professional counseling services may be
 30 provided at a facility that is not a provider of clinic services.

31 * **Sec. 23.** AS 47.30.915(16) is amended to read:

1 (16) "mental health professional" means a psychiatrist or physician
 2 who is licensed by the State Medical Board to practice in this state or is employed by
 3 the federal government; a clinical psychologist licensed by the state Board of
 4 Psychologist and Psychological Associate Examiners; a psychological associate
 5 trained in clinical psychology and licensed by the Board of Psychologist and
 6 Psychological Associate Examiners; an advanced practice registered nurse or a
 7 registered nurse with a master's degree in psychiatric nursing, licensed by the State
 8 Board of Nursing; a marital and family therapist licensed by the Board of Marital and
 9 Family Therapy; a professional or associate counselor licensed by the Board of
 10 Professional Counselors; a clinical social worker licensed by the Board of Social
 11 Work Examiners; and a person who

12 (A) has a master's degree in the field of mental health;

13 (B) has at least 12 months of post-masters working experience
 14 in the field of mental illness; and

15 (C) is working under the supervision of a type of licensee listed
 16 in this paragraph;

17 * **Sec. 24.** AS 08.29.210; AS 08.63.130, and 08.63.900(3) are repealed.

18 * **Sec. 25.** Sections 16 - 19 of this Act take effect immediately under AS 01.10.070(c).

19 * **Sec. 26.** Except as provided in sec. 25 of this Act, this Act takes effect July 1, 2025.