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Referred: Judiciary
and Health, Welfare
and Education

1 IN THE HOUSE

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2 HOUSE BILL NO. 343

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensure of psycholo-
7 gists; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 86. PSYCHOLOGISTS.

11 ARTICLE 1. BOARD OF PSYCHOLOGIST EXAMINERS.

12 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD.

13 There is created a Board of Psychologist Examiners. It con-
14 sists of three licensed psychologists.

15 Sec. 08.86.020. APPOINTMENT AND TERM OF OFFICE. Mem-
16 bers of the board are appointed by the governor and confirmed
17 by the legislature for staggered terms of three years. A
18 member serves at the pleasure of the governor. The governor
19 shall fill a vacancy by appointment for an unexpired term. A
20 member serves until his successor is appointed.

21 Sec. 08.86.030. QUALIFICATIONS OF A BOARD MEMBER. The
22 governor shall appoint each member of the board on the basis
23 of the member's interest in public affairs, his good judgment,
24 his knowledge and ability in the field of psychology, and
25 with a view to providing diversity of interest and points of
26 view in the membership.

27 Sec. 08.86.040. BOARD MEETINGS AND OFFICERS. (a) The
28 board shall hold a regular annual meeting. The board may
29 hold special meetings at the call of the chairman or of two

1 board members, with prior approval of the governor.

2 (b) A majority of the board is a quorum for conducting
3 business.

4 (c) The board shall elect its officers.

5 Sec. 08.86.050. ASSISTANTS. The board may, with the
6 consent of the governor, employ assistants to

7 (1) prepare questions on examinations, especially
8 in areas in which no board member is an expert;

9 (2) grade examinations;

10 (3) investigate alleged violations of this chapter.

11 Sec. 08.86.060. TRANSPORTATION AND PER DIEM. A board
12 member is entitled to transportation expenses and per diem
13 allowances specified in AS 39.20.180.

14 ARTICLE 2. ADMINISTRATION OF BOARD AFFAIRS.

15 Sec. 08.86.080. DUTIES OF THE BOARD. The board shall

16 (1) pass on qualifications of applicants for
17 licenses and issue licenses to those who qualify;

18 (2) prepare and grade examinations;

19 (3) after hearing, suspend or revoke the license
20 of a licensed psychologist who

21 (A) is habitually drunk,

22 (B) is addicted to the use of narcotic drugs,

23 (C) is convicted of a violation of a nar-
24 cotic law,

25 (D) is convicted of a crime the nature of
26 which is incompatible with the practice of psychology,

27 (E) engages in unprofessional conduct in the
28 practice of psychology,

29 (F) practices or attempts to practice medi-

1 cine or surgery without being licensed to do so,

2 (G) has obtained a license under this chapter
3 by fraud or material misrepresentation,

4 (H) impersonates a licensed psychologist or
5 allows another person to use his license,

6 (I) violates sec. 270 or sec. 280 of this
7 chapter.

8 Sec. 08.86.090. BOARD REGULATIONS. The board shall
9 adopt substantive regulations

10 (1) accrediting schools, giving due consideration
11 to reports of accrediting agencies and professional associa-
12 tions;

13 (2) prescribing a code of professional ethics for
14 psychologists, the regulations to be based on the Ethical
15 Standards of Psychologists adopted by the American Psycholo-
16 gical Association;

17 (3) specifying the subject matter to be covered in
18 an examination for psychologists.

19 Sec. 08.86.100. ADMINISTRATIVE DUTIES OF THE DEPARTMENT.

20 (a) The department shall furnish administrative services for
21 the board, including

22 (1) collecting fees and issuing receipts;

23 (2) keeping records of receipts and disbursements;

24 (3) distributing and receiving application forms;

25 (4) notifying an applicant whether or not the
26 board has accepted his application;

27 (5) designating the date on which annual examina-
28 tions are to be held;

29 (6) at least 30 days before an examination is to

1 be held, publishing notice that it is to be held;

2 (7) printing examinations;

3 (8) providing space for holding examinations;

4 (9) proctoring examinations;

5 (10) notifying applicants of the results of the
6 examinations;

7 (11) printing and distributing uniform licenses
8 and duplicate licenses to replace lost ones;

9 (12) sending notice, before December 1 of each
10 year, that licenses must be renewed;

11 (13) keeping a current register of licensees;

12 (14) employing secretarial assistants;

13 (15) replying to routine requests for information;

14 (16) printing and distributing forms and informa-
15 tional bulletins;

16 (17) maintaining records and completed examinations;

17 (18) recording suspensions and revocations of
18 licenses.

19 (b) The department shall allow board members free access
20 to its records concerning the board's activities.

21 Sec. 08.86.110. DEPARTMENT REGULATIONS. The department
22 shall adopt procedural regulations describing

23 (1) how it conducts an examination;

24 (2) how a person applies to take an examination,
25 or applies for a license;

26 (3) what is contained in application forms.

27 Sec. 08.86.120. SALE OF REGISTER. The department shall
28 offer for sale to the public publications containing the names,
29 addresses, and professional associations of persons licensed

1 by the board. The department shall sell the publications at
2 a price designed to recover costs of compilation, publication,
3 and distribution.

4 Sec. 08.86.130. APPLICABILITY OF THE ADMINISTRATIVE
5 PROCEDURE ACT. The Administrative Procedure Act (AS 44.62)
6 applies to regulations and proceedings under this chapter.

7 ARTICLE 3. LICENSING.

8 Sec. 08.86.150. ENTITLEMENT TO LICENSURE. A person who
9 passes the examination given by the board is entitled to be
10 licensed as a psychologist.

11 Sec. 08.86.160. OBJECTIVE OF EXAMINATION. The only
12 purpose of an examination is to disqualify those whose lack
13 of knowledge or skill in the principles of psychology would
14 create a serious risk of injury to the public interest the
15 board is created to protect.

16 Sec. 08.86.170. ADMINISTRATION OF EXAMINATION. (a) The
17 department shall offer examinations prepared by the board at
18 least once a year and more frequently if more than two persons
19 who are qualified to take an examination petition the depart-
20 ment for an additional examination. Examinations shall be so
21 administered that one who grades a written examination does
22 not know whose paper he is grading. The department shall
23 maintain files of examination papers. A person is entitled to
24 inspect his examination paper for the purpose of challenging
25 the propriety of its questions, the method of grading, or the
26 accuracy of grading. Every two years the department shall
27 have published and sell at cost copies of examinations for
28 the preceding two years. The board shall prepare a new exam-
29 ination at least every two years. If a person fails to take

1 an examination after he has paid the application fee, the
2 department shall refund the fee.

3 (b) The board may use an examination prepared by the
4 American Association of State Psychology Boards, rather than
5 one prepared by or at the direction of the board.

6 (c) If the giving of the national examination is
7 covered by regulations of the American Association of State
8 Psychology Boards, these regulations govern, even when in
9 conflict with sec. 180 of this chapter or with (a) of this
10 section, in the matters of

11 (1) maintenance, inspection by the applicant, and
12 time of preparation of examination papers;

13 (2) publication of past examinations.

14 Sec. 08.86.180. RE-EXAMINATION. A person who fails an
15 examination may apply for a subsequent examination, but shall
16 pay the application fee each time he applies. He may not
17 petition for an additional examination under sec. 170(a) of
18 this chapter, but may take one if it is offered.

19 Sec. 08.86.190. QUALIFICATION FOR EXAMINATION. A per-
20 son is entitled to take an examination if the board finds he

21 (1) has not engaged in dishonorable conduct
22 relevant to the practice of psychology;

23 (2) holds a doctoral degree with primary emphasis
24 on psychology from an accredited school;

25 (3) has at least one year's experience acceptable
26 to the board;

27 (4) completes application forms and returns them
28 to the department within the time specified in a regulation
29 of the department;

1 (5) pays the application fee.

2 Sec. 08.86.200. FEES. Each application fee, renewal
3 fee, and out-of-state license fee is \$15. The fee for a
4 duplicate license is \$2.

5 Sec. 08.86.210. DEPOSIT IN GENERAL FUND. The depart-
6 ment shall deposit money collected under this chapter in the
7 general fund.

8 Sec. 08.86.220. OUT-OF-STATE LICENSE. A person who is
9 licensed or certified as a psychologist by an authority other
10 than Alaska is entitled to be licensed in Alaska without
11 examination if

12 (1) he holds a doctoral degree with primary
13 emphasis on psychology from an accredited school; and

14 (2) the examination and qualification requirements
15 for his out-of-state license or certificate were essentially
16 similar to the examination and qualification requirements for
17 licensure in Alaska at the time he was licensed; or

18 (3) he is a diplomate in good standing of the
19 American Board of Examiners in Professional Psychology; and

20 (4) he completes and returns the proper application
21 forms, and pays the out-of-state certificate fee.

22 Sec. 86.08.230. ANNUAL RENEWAL. A person who is
23 licensed under this chapter must pay the renewal fee before
24 February 1 of each year to remain licensed. The department
25 shall send a renewal tag to a person who pays his fee. The
26 tag is to be attached to the license. A person who allows
27 his license to lapse is entitled to have it renewed by paying
28 accrued renewal fees. He is entitled to have it renewed with-
29 out taking an examination unless his license has lapsed more

1 than five years, in which case he is required to take an
2 examination if the board finds that additional evidence of
3 his continued fitness to practice is required.

4 ARTICLE 4. PROHIBITIONS AND PENALTIES.

5 Sec. 08.86.250. USE OF TITLE. Unless he is licensed
6 under this chapter, no person may use the title "psychologist"
7 or any title, designation, or device indicating or tending to
8 indicate that he is a psychologist or practices psychology.

9 Sec. 08.86.260. PRACTICE OF PSYCHOLOGY. (a) Unless he
10 is licensed under this chapter, no person may practice psy-
11 chology, offer to practice psychology, or represent to the
12 public that he is a psychologist or that he practices psy-
13 chology.

14 (b) This section does not apply to

15 (1) a person employed by a governmental unit or
16 educational institution in the course of his employment;

17 (2) a student, intern, or resident in psychology
18 pursuing a course of study approved by the board as qualifying
19 training and experience for psychologists, if his activities
20 constitute a part of his supervised course of study and he is
21 designated by titles such as "psychology intern" or "psychol-
22 ogy trainee";

23 (3) a qualified member of another profession, such
24 as a physician, social worker, or pastoral counselor, in doing
25 work of a psychological nature consistent with his training
26 and consistent with the code of ethics of his profession;

27 (4) a person describing himself as a "social psy-
28 chologist", if he is verified to be a social psychologist by
29 the American Sociological Society.

1 Sec. 08.86.270. NAME UNDER WHICH PERSON PRACTICES. A
2 licensed psychologist may practice psychology only under his
3 own name.

4 Sec. 08.86.280. CONFIDENTIALITY OF COMMUNICATION. No
5 psychologist may reveal to another person a communication
6 made to him by a client of his about a matter concerning
7 which the client has employed the psychologist in a profes-
8 sional capacity. This section does not apply to a case
9 conference with other psychologists or with physicians and
10 surgeons.

11 Sec. 08.86.290. PENALTY. A person who violates sec.
12 250, sec. 260, or sec. 270 of this chapter is guilty of a
13 misdemeanor.

14 ARTICLE 5. GENERAL PROVISIONS.

15 Sec. 08.86.310. DEFINITIONS. In this chapter

16 (1) "psychologist" means a person who practices
17 psychology;

18 (2) "to practice psychology" means to apply
19 established principles of learning, motivation, perception,
20 thinking, and emotional relationships to problems of personnel
21 evaluation, group relations, and behavior adjustment, in-
22 cluding

23 (A) counseling and guidance,

24 (B) using psychotherapeutic techniques with
25 persons or groups of persons who have adjustment problems
26 in the family, at school, or at work,

27 (C) measuring and testing of personality,
28 intelligence, aptitudes, emotions, public opinion, and
29 attitudes and skills,

1 (D) conducting research on human behavior;

2 (3) "board" means the Board of Psychologist

3 Examiners;

4 (4) "department" means the Department of Commerce.

5 * Sec. 2. A person who applies for a license under this chapter
6 before January 1, 1965, and who pays a fee of \$15 is entitled to a
7 license without examination, if the board finds he

8 (1) has never engaged in dishonorable conduct relevant
9 to the practice of psychology; and

10 (2) holds a doctoral degree with primary emphasis on
11 psychology from an accredited school and has had at least one
12 year of experience in Alaska in the practice of psychology follow-
13 ing receipt of his doctoral degree; or holds a master's degree or
14 its equivalent with primary emphasis in psychology from an ac-
15 credited school and has had at least five years of experience,
16 including one year in Alaska, in the practice of psychology
17 following receipt of his master's degree or its equivalent.

18 * Sec. 3. The governor may appoint to the initial board un-
19 licensed psychologists who are eligible to be licensed under sec.
20 2 of this Act, and who will have practiced psychology in the state
21 for at least two years before January 1, 1965.

22 * Sec. 4. This Act takes effect July 1, 1964.

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