

Introduced: 4/5/79
Referred: Finance

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 446

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of
7 Psychologist and Psychological Associate Examiners on
8 January 1, 1981 and reassigning its responsibilities to
9 the Department of Commerce and Economic Development;
10 and providing for an effective date."

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

12 * Section 1. TERMINATION OF BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL
13 ASSOCIATE EXAMINERS. Notwithstanding the provisions of AS 08.03.010, the
14 Board of Psychologist and Psychological Associate Examiners will continue in
15 existence until January 1, 1981, and after that date the Department of
16 Commerce and Economic Development will have jurisdiction over the licensing
17 of psychologists and psychological associates and the practice of psychology
18 under the provisions of AS 08.86.005 - 08.86.230. During the period until
19 January 1, 1981, the members of the board will facilitate the orderly
20 transfer of functions and responsibilities of the board to the department.
21 Nothing in this Act or AS 08.03.010 reduces or limits the authority of the
22 board under AS 08.86.010 - 08.86.230 before January 1, 1981.

23 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

24 (b) This chapter applies to the responsibilities of the department
25 over licensing and regulation of psychologists and psychological
26 associates (AS 08.86.010).

27 * Sec. 3. AS 08.01.050(a)(19) is amended to read:

28 (19) provide investigative services to the boards established
29 under AS 08.20, AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,

1 AS 08.72, AS 08.80, and AS 08.84, [AND AS 08.86,] for the purpose of
2 assisting those boards in matters of professional discipline.

3 * Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:

4 (20) provide investigative services in matters of professional
5 discipline for the profession established under AS 08.86.

6 * Sec. 5. AS 08.01.050(b) is amended to read:

7 (b) The form and content of the license [,] authorized under AS 08
8 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing
9 renewal of a license, shall be determined by the department after consul-
10 tation with and consideration of the views of any [THE] board concerned.

11 * Sec. 6. AS 08.86 is amended by adding a new section to read:

12 Sec. 08.86.005. AUTHORITY OF DEPARTMENT. The department has
13 jurisdiction over the licensing of psychologists and psychological
14 associates and the practice of psychology under this chapter.

15 * Sec. 7. AS 08.86.040 is amended to read:

16 Sec. 08.86.040. ASSISTANTS. The department [BOARD] may employ
17 assistants to prepare and grade examinations and to investigate alleged
18 violations of this chapter.

19 * Sec. 8. AS 08.86.070 is amended to read:

20 Sec. 08.86.070. DUTIES OF THE DEPARTMENT [BOARD]. (a) The depart-
21 ment [BOARD] shall

22 (1) pass on qualifications of applicants for licenses;

23 (2) prepare, administer and grade written examinations;

24 (3) after hearing, suspend or revoke the license of a
25 licensed psychologist or psychological associate who violates a regula-
26 tion of the department [BOARD];

27 (4) set fees which are charged for psychological associates.

28 (b) The department [BOARD] may, after hearing, suspend or revoke
29 the license of a licensed psychologist or psychological associate if he

1 denies care or treatment to a patient or person seeking assistance from
2 the psychologist or psychological associate and the sole reason for the
3 denial is the failure or refusal of the patient or person seeking assis-
4 tance to execute an agreement to arbitrate a dispute, controversy, or
5 issue arising out of the care or treatment, as provided in AS 09.55.-
6 535(a).

7 * Sec. 9. AS 08.86.080 is amended to read:

8 Sec. 08.86.080. DEPARTMENT [BOARD] REGULATIONS. The department
9 [BOARD] shall adopt regulations to carry out the purposes of this chap-
10 ter.

11 * Sec. 10. AS 08.86.120 is amended to read:

12 Sec. 08.86.120. ENTITLEMENT TO LICENSURE. A person who passes the
13 examination given by the department [BOARD] is entitled to be licensed
14 as a psychologist.

15 * Sec. 11. AS 08.86.130 is amended to read:

16 Sec. 08.86.130. QUALIFICATION FOR EXAMINATION. A person is
17 entitled to take an examination if the department [BOARD] finds he

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

20 (2) holds a doctoral degree with primary emphasis on psychol-
21 ogy from an accredited school;

22 (3) has at least one year's experience acceptable to the
23 department [BOARD].

24 * Sec. 12. AS 08.86.135 is amended to read:

25 Sec. 08.86.135. TEMPORARY LICENSE. The department [BOARD] may
26 issue a temporary license to a person who meets the requirements of
27 AS 08.86.130. A temporary license issued under this section is valid
28 until the results of the examination following the issuance of the
29 temporary license are published.

1 * Sec. 13. AS 08.86.160 is amended to read:

2 Sec. 08.86.160. ASSOCIATES: ENTITLEMENT TO LICENSURE. A person
3 who passes the examination given by the department [BOARD] is entitled
4 to be licensed as a psychological associate.

5 * Sec. 14. AS 08.86.162 is amended to read:

6 Sec. 08.86.162. ASSOCIATES: QUALIFICATION FOR EXAMINATION. A
7 person is entitled to take a psychological associate examination if the
8 department [BOARD] finds that he:

9 (1) has not engaged in dishonorable conduct related to the
10 practice of counseling or psychometry;

11 (2) holds a master's degree from an accredited or approved
12 educational institution, with at least 24 credit hours of course work
13 directly related to counseling or another specialized area in which
14 licensure is requested, including a practicum;

15 (3) has at least three years' experience within the past ten
16 years, two of which are in Alaska, and including one year's supervised
17 postgraduate experience acceptable to the department [BOARD];

18 (4) has the recommendation of his immediate supervisor if a
19 licensed psychologist, or two licensed psychologists who hold doctoral
20 degrees;

21 (5) has not within the preceding six months failed an examin-
22 ation given by the department [BOARD].

23 * Sec. 15. AS 08.86.180(b)(2) is amended to read:

24 (2) a student, intern, or resident in psychology pursuing a
25 course of study approved by the department as [BOARD IS] qualifying
26 training and experience for psychologist, if his activities constitute a
27 part of his supervised course of study and he is designated by titles
28 such as "psychology intern" or "psychology trainee";

29 * Sec. 16. AS 08.86.185(b)(2) is amended to read:

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(2) a student, intern or resident in psychology pursuing a course of study approved by the department [BOARD] as qualified training and experience for counseling, if his activities constitute a part of his supervised course of study;

* Sec. 17. AS 08.86.220 is amended to read:

Sec. 08.86.220. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a) Upon a finding that by reason of demonstrated problems of competence, experience, education, or health the authority to practice psychology or as a psychological associate under this chapter should be limited or conditioned or the practitioner disciplined, the department [BOARD] may reprimand, censure, place on probation, restrict practice by time, specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) The Administrative Procedure Act (AS 44.62) applies to any action taken by the department [BOARD] under this section.

* Sec. 18. AS 08.86.230(10) is amended to read:

(10) "private agency" means a clinic or private practice under the direction of a licensed psychologist, psychiatrist, or a custodial, rehabilitative or health care organization which is acceptable to the department [BOARD];

* Sec. 19. REPEALER. AS 08.01.010(15), AS 08.03.010(a)(9), AS 08.86.-010 -08.86.030, 08.86.090 and 08.86.230(3) are repealed.

* Sec. 20. EFFECTIVE DATE. Section 1 of this Act takes effect immediately in accordance with AS 01.10.070(c). Sections 2 - 19 of this Act take effect January 1, 1981.