

Introduced: 5/12/80
Referred: Health, Education &
Social Services

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 583

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to professional licensing and to the
7 regulation of the practice of psychology; and providing
8 for an effective date."

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

10 * Section 1. AS 08.01.100(a) is amended to read:

11 (a) Except as otherwise provided by statute, [ALL] licenses shall
12 be renewed biennially on the dates set by the department with the ap-
13 proval of the respective board.

14 * Sec. 2. AS 08.86.010 is amended to read:

15 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is created
16 a Board of Psychologist and Psychological Associate Examiners. It
17 consists of four [THREE] licensed psychologists, and one person [TWO
18 PERSONS] who has [HAVE] no direct financial interest in the health care
19 industry.

20 * Sec. 3. AS 08.86.020 is amended to read:

21 Sec. 08.86.020. APPOINTMENT AND TERM OF OFFICE. Members of the
22 board are appointed by the governor and confirmed by the legislature for
23 staggered terms of four [THREE] years. [THE TERMS OF THE PUBLIC MEMBERS
24 SHALL BE SET SO THAT THEY DO NOT EXPIRE AT THE SAME TIME.] A member
25 serves at the pleasure of the governor. A person who has served two
26 successive complete terms may not be reappointed until four years from
27 the expiration of the second term.

28 * Sec. 4. AS 08.86 is amended by adding a new section to read:

29 Sec. 08.86.025. REMOVAL OF BOARD MEMBERS. A member of the board

1 may be removed from office by the governor for cause. The board may by
2 regulation provide that unexcused absences from meetings constitute
3 cause for removal.

4 * Sec. 5. AS 08.86.030 is amended to read:

5 Sec. 08.86.030. BOARD MEETINGS. The board shall hold at least
6 three meetings annually [A REGULAR ANNUAL MEETING]. The board may hold
7 special meetings at the call of the chairman or of a majority of the
8 [TWO] board members.

9 * Sec. 6. AS 08.86.070(a) is amended by adding new paragraphs to read:

10 (5) define, by regulation, areas and techniques of practice
11 in psychology for which specialty training is required and establish
12 standards for specialty designation in the field of psychology;

13 (6) adopt regulations requiring proof of continued competency
14 before a license is renewed.

15 * Sec. 7. AS 08.86.070 is amended by adding a new subsection to read:

16 (c) The board may, after a hearing, order disciplinary sanctions
17 against a person who violates this chapter, an order of the board, or a
18 regulation of the board.

19 * Sec. 8. AS 08.86.130 is amended to read:

20 Sec. 08.86.130. QUALIFICATION FOR EXAMINATION. A person is en-
21 titled to take an examination if the board finds he

22 [(1) HAS NOT ENGAGED IN DISHONORABLE CONDUCT RELEVANT TO THE
23 PRACTICE OF PSYCHOLOGY;]

24 (2) holds a doctoral degree with primary emphasis on psy-
25 chology from an accredited school with an approved program;

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

28 * Sec. 9. AS 08.86.140 is repealed and re-enacted to read:

29 Sec. 08.86.140. FEES. The following fees shall be imposed under

1 this chapter as applicable:

- 2 (1) application fee..... \$ 25
3 (2) examination fee..... \$125
4 (3) credential review fee..... \$125
5 (4) initial license fee..... \$200
6 (5) license renewal due every 4 years..... \$200

7 * Sec. 10. AS 08.86.150 is amended to read:

8 Sec. 08.86.150. [OUT-OF-STATE] LICENSE BY CREDENTIALS. A person
9 who is licensed or certified as a psychologist by an authority other
10 than Alaska is entitled to be licensed in Alaska without examination if

11 (1) he holds a doctoral degree with primary emphasis on psy-
12 chology from an accredited school;

13 (2) the examination and qualification requirements for his
14 out-of-state license or certificate were essentially similar to
15 or higher than the examination and qualification requirements for
16 licensure under this chapter [IN ALASKA AT THE TIME HE WAS LICENSED]; or

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

19 (4) he completes and returns the proper application forms,
20 submits proof of continued competency as required by regulation of the
21 board, and pays the credential review [OUT-OF-STATE CERTIFICATE] fee.

22 * Sec. 11. AS 08.86.162(2) is amended to read:

23 (2) holds a master's degree with primary emphasis on psy-
24 chology from an accredited [OR APPROVED] educational institution which
25 has an approved program, with the equivalent of at least 24 semester
26 credit hours of course work directly related to a [COUNSELING OR
27 ANOTHER] specialized area of psychology in which licensure is requested,
28 including a practicum;

29 * Sec. 12. AS 08.86.162(3) is amended to read:

1 (3) has at least three years' supervised experience after
2 obtaining a master's degree within the past ten years [, TWO OF WHICH
3 ARE IN ALASKA, AND INCLUDING ONE YEAR'S SUPERVISED POSTGRADUATE EXPE-
4 RIENCE ACCEPTABLE TO THE BOARD];

5 * Sec. 13. AS 08.86 is amended by adding a new section to article 3 to
6 read:

7 Sec. 08.86.164. SCOPE OF PRACTICE. (a) A psychological associate
8 shall be licensed for specific activities or areas of competence as
9 determined by the nature and extent of his training and experience, and
10 these areas shall be specified on the license.

11 (b) A psychological associate shall function under the supervision
12 of a licensed psychologist.

13 (c) Supervision of a licensed psychological associate is the
14 responsibility of the supervising licensed psychologist, and includes
15 face-to-face consultation as required by the nature of the work of the
16 psychological associate which is consistent with accepted professional
17 practices in psychology. The supervising psychologist is responsible
18 for insuring that the extent, kind and quality of the psychological
19 services performed are consistent with the training and experience of
20 the psychological associate.

21 (d) A psychological associate and his supervisor shall register
22 with the board a statement of the intended area of practice and arrange-
23 ments for supervision.

24 * Sec. 14. AS 08.86.180(a) is amended to read:

25 (a) Unless he is licensed under this chapter, a [NO] person may
26 not practice psychology, or offer to practice psychology, or represent
27 to the public that he is a psychologist or that he practices psychology.
28 A person represents himself to be a psychologist when he holds himself
29 out to the public by a title or description of services incorporating

1 the words "psychology", "psychological", "psychologist", "psychometry",
2 "psychometrics", "psychometrist", "psychological counseling", "psycho-
3 logical counselor", "psychotherapy", "psychotherapeutic", "psychothera-
4 pist", "psychoanalysis", or "psychoanalyst", or when he holds himself out
5 to be trained, experienced or qualified to render services in the field
6 of psychology.

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

8 (b) This section does not apply to

9 (1) a person employed by a governmental unit, educational
10 institution or private agency who may be required to engage in some
11 phase of work of a psychological nature in the course of his employment,
12 if the employer maintains appropriate supervision of psychological
13 activities and professional conduct , and if the person is performing
14 the psychological activities as part of the duties for which he was
15 employed, is performing the activities solely within the facilities of
16 the organization in which he is employed or under the supervision of
17 the organization in which he is employed, and does not render or offer
18 to render psychological services to the public for compensation in
19 addition to the salary he receives from the organization;

20 (2) a student, intern, or resident in psychology pursuing a
21 course of study approved by the board as [IS] qualifying training and
22 experience for a psychologist, if his activities constitute a part of
23 his supervised course of study and he is designated by titles such as
24 "psychology intern" or "psychology trainee";

25 (3) a qualified member of another profession, such as a
26 social worker, or pastoral counselor, in doing work of a psychological
27 nature consistent with his training and consistent with the code of
28 ethics of his profession , if he does not hold himself out to the public
29 by a title or description of services incorporating the words "psycho-

1 logy", "psychological", "psychologist", "psychometry", "psychometrics",
2 "psychometrist", "psychotherapist", "psychoanalysis", "psychoanalyst" or
3 represents himself to be trained, experienced or qualified to render
4 services in the field of psychology;

5 (4) (repealed)

6 (5) a person practicing medicine, if he is licensed to prac-
7 tice medicine.

8 * Sec. 16. AS 08.86 is amended by adding new sections to read:

9 Sec. 08.86.204. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

10 After a hearing, the board may impose a disciplinary sanction on a
11 person licensed under this chapter when the board finds that he

12 (1) secured a license through deceit, fraud, or intentional
13 misrepresentation;

14 (2) engaged in deceit, fraud, or intentional misrepresenta-
15 tion in the course of providing professional services or engaging in
16 professional activities;

17 (3) advertised professional services in a false or misleading
18 manner;

19 (4) has been convicted of a felony or other crime which
20 affects his ability to continue to practice competently and safely;

21 (5) intentionally or negligently engaged in or permitted the
22 performance of patient care by persons under his supervision which does
23 not conform to minimum professional standards regardless of whether
24 actual injury to the patient occurred;

25 (6) failed to comply with this chapter, with a regulation
26 adopted under this chapter, or with an order of the board;

27 (7) continued to practice after becoming unfit due to

28 (A) professional incompetence;

29 (B) failure to keep informed of or use current profes-

1 sional theories or practices;

2 (C) addiction or severe dependency on alcohol or other
3 drugs which impairs his ability to practice safely;

4 (D) physical or mental disability;

5 (8) engaged in lewd or immoral conduct in connection with the
6 delivery of professional service to patients.

7 Sec. 08.86.206. DISCIPLINARY SANCTIONS. (a) When it finds that a
8 licensee is guilty of an offense under AS 08.86.204, the board may
9 impose the following sanctions singly or in combination:

10 (1) permanently revoke a license to practice;

11 (2) suspend a license for a determinate period of time;

12 (3) censure a licensee;

13 (4) issue a letter of reprimand;

14 (5) place a licensee on probationary status and require him

15 to

16 (A) report regularly to the board upon matters involving
17 the basis of probation;

18 (B) limit practice to those areas prescribed;

19 (C) continue professional education until a satisfactory
20 degree of skill has been attained in those areas determined by the
21 board to need improvement;

22 (6) impose limitations or conditions on the practice of a
23 licensee.

24 (b) The board may withdraw probation status if it finds that the
25 deficiencies which required the sanction have been remedied.

26 (c) The board may summarily suspend a license before final hearing
27 or during the appeals process if the board finds that the licensee poses
28 a clear and immediate danger to the public health and safety if he
29 continues to practice. A person whose license is suspended under this

1 section shall be entitled to a hearing by the board no later than seven
2 days after the effective date of the order. The person may appeal the
3 suspension after a hearing to a court of competent jurisdiction.

4 (d) The board may reinstate a license which has been suspended or
5 revoked if the board finds after a hearing that the applicant is able to
6 practice with reasonable skill and safety.

7 (e) The board shall seek consistency in the application of dis-
8 ciplinary sanctions, and significant departure from prior decisions
9 involving similar situations shall be explained in findings of fact or
10 orders.

11 * Sec. 17. AS 08.86.210 is amended to read:

12 Sec. 08.86.210. PENALTY. A person who violates this chapter
13 [AS 08.86.170, 08.86.180, 08.86.185, OR 08.86.190] is guilty of a
14 class B misdemeanor.

15 * Sec. 18. AS 08.86.230(2) is repealed and re-enacted to read:

16 (2) "to practice psychology" means to render or offer to
17 render for a fee to individuals, groups, organizations or the public for
18 the diagnosis, prevention, treatment, or amelioration of psychological
19 problems and emotional and mental disorders of individuals or groups or
20 for conducting research on human behavior, a psychological service
21 involving the application of psychological principles, methods, and
22 procedures of understanding, predicting, and influencing behavior,
23 including

24 (A) the principles pertaining to learning, perception,
25 motivation, emotions, and interpersonal relationships;

26 (B) the methods and procedures of interviewing, counsel-
27 ing, psychotherapy, biofeedback, behavior modification, and hypno-
28 sis;

29 (C) constructing, administering and interpreting tests

1 of mental abilities, aptitudes, interests, attitudes, personality
2 characteristics, emotions, and motivations;

3 * Sec. 19. AS 08.86.230(5) is repealed and re-enacted to read:

4 (5) "psychological associate" means a person licensed under
5 this chapter who renders specific psychological services in association
6 with a licensed psychologist and complies with AS 08.86.164;

7 * Sec. 20. AS 08.86.230(10) is amended to read:

8 (10) "private agency" means a clinic or private practice, or
9 custodial, rehabilitative or health care organization whose mental
10 health services are under the direction of a licensed psychologist [,]
11 or psychiatrist [, OR A CUSTODIAL, REHABILITATIVE OR HEALTH CARE ORGANI-
12 ZATION WHICH IS ACCEPTABLE TO THE BOARD];

13 * Sec. 21. AS 08.86.230(11) is amended to read:

14 (11) "supervised experience" as used in AS 08.86.162(3)
15 ["SUPERVISION"] means the equivalent of at least one hour a week of
16 personal interview with a supervisor whose educational qualifications
17 are consistent with the level of activity being supervised; [A SUPER-
18 VISOR IS RESPONSIBLE FOR INSURING THAT THE EXTENT, KIND AND QUALITY OF
19 THE PSYCHOLOGICAL AND COUNSELING SERVICES PERFORMED ARE CONSISTENT WITH
20 A PSYCHOLOGICAL ASSOCIATE'S TRAINING AND EXPERIENCE, AS WELL AS HIS
21 OBEDIENCE TO THE PROVISIONS OF THIS CHAPTER.]

22 * Sec. 22. AS 08.86.230 is amended by adding a new paragraph to read:

23 (12) "approved program" means a program which meets the
24 requirements established by the American Psychological Association
25 Education and Credentialing Committee in Psychology for an approved
26 program.

27 * Sec. 23. AS 44.62.330(a) is amended by adding a new paragraph to read:

28 (47) Board of Psychologist and Psychological Associate
29 Examiners (AS 08.86.010).

1 * Sec. 24. AS 08.86.070(a)(3), 08.86.185, and 08.86.230(6), (7), (8), and
2 (9) are repealed.

3 * Sec. 25. This Act takes effect immediately in accordance with AS 01.10.-
4 070(c).

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29