

Introduced: 2/13/84
Referred: Health, Education and
Social Services and
Finance

1 IN THE SENATE

BY KERTTULA BY REQUEST

2

SENATE BILL NO. 482

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the regulation of the practice of
7 marital and family therapy; and providing for an
8 effective date."

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

10 * Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds
11 that marital and family therapy is a professional practice that affects the
12 safety and welfare of the public and that requires regulation and control
13 by the state in the public interest.

14 (b) The purpose of this Act is to ensure that the public is protected
15 from the unprofessional, improper, and unauthorized practice of marital and
16 family therapy. This Act shall be liberally construed to carry out this
17 purpose.

18 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

19 (24) Board of Marital and Family Therapists.

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

21 (a) The department shall provide the following administrative
22 and budgetary services when appropriate:

23 (1) collect fees and issue receipts;

24 (2) maintain records and files;

25 (3) issue and receive application forms;

26 (4) notify applicants of acceptance or rejection of appli-
27 cants as determined by the board;

28 (5) designate dates examinations are to be held and notify
29 applicants;

- 1 (6) publish notice of examination;
- 2 (7) arrange space for holding examinations;
- 3 (8) notify applicants of results of examinations;
- 4 (9) issue licenses and certificates or temporary licenses
- 5 or certificates as authorized by the board;
- 6 (10) issue duplicate licenses or certificates upon proof by
- 7 the licensee of loss of the original and payment by the licensee of a
- 8 fee of \$2 except as otherwise provided in this title;
- 9 (11) notify licensees of renewal dates at least 30 days
- 10 before the expiration date of their licenses;
- 11 (12) compile and maintain current a register of licenses;
- 12 (13) answer routine inquiries;
- 13 (14) maintain files relating to individual licensees;
- 14 (15) arrange for printing and advertising;
- 15 (16) purchase supplies;
- 16 (17) employ secretarial help when needed;
- 17 (18) perform other services which may be requested by the
- 18 board;
- 19 (19) provide investigative services to the boards estab-
- 20 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.63, AS 08.64, AS 08.-
- 21 68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86,
- 22 for the purpose of assisting those boards in matters of professional
- 23 discipline and in responding to consumer complaints.

24 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

25 (21) Board of Marital and Family Therapists (AS 08.63) --

26 June 30, 1988.

27 * Sec. 5. AS 08 is amended by adding a new chapter to read:

28 CHAPTER 63. MARITAL AND FAMILY THERAPISTS.

29 Sec. 08.63.010. BOARD ESTABLISHED. There is established the

1 **Board of Marital and Family Therapists.**

2 **Sec. 08.63.020. MEMBERSHIP.** (a) The board consists of seven
3 members appointed by the governor to four-year terms as follows:

4 (1) five members who

5 (A) are licensed marital and family therapists; and

6 (B) for the five years immediately preceding appoint-
7 ment, the last two years of which have been in the state, have
8 been engaged in

9 (i) the professional practice of marital and
10 family therapy, or substantially equivalent therapy;

11 (ii) the education and training of doctoral or
12 post-doctoral students of marital and family therapy; or

13 (iii) marital and family therapy research;

14 (2) two public members.

15 (b) The board shall elect a chairman from among its members.

16 **Sec. 08.63.030. MEETINGS.** The board shall hold a regular annual
17 meeting and may hold special meetings at the call of the chairman or
18 of three board members.

19 **Sec. 08.63.040. POWERS AND DUTIES OF THE BOARD.** (a) The board
20 shall adopt and publish ethical standards for the profession.

21 (b) The board may

22 (1) suspend or revoke the license of a marital and family
23 therapist;

24 (2) adopt regulations to carry out the purposes of this
25 chapter.

26 **Sec. 08.63.050. PROCEDURES.** The Administrative Procedure Act
27 (AS 44.62) applies to regulations and proceedings under this chapter.

28 * **Sec. 6.** AS 08 is amended by adding a new section to read:

29 **Sec. 08.63.060. QUALIFICATIONS FOR LICENSE BEFORE JULY 1, 1985.**

1 (a) The board shall issue a license to practice marital and family
2 therapy to a person who

- 3 (1) applies on a form provided by the board;
4 (2) pays the fees required under AS 08.63.100;
5 (3) furnishes evidence satisfactory to the board that the
6 person

7 (A) has not engaged in conduct that is a ground for
8 imposing disciplinary sanctions under AS 08.63.120;

9 (B) holds a master's or doctorate degree from an
10 accredited educational institution either in

11 (i) marital and family therapy; or

12 (ii) an appropriate course of study approved by
13 the board and substantially equivalent to at least: three
14 courses in marital and family studies; three courses in
15 marital and family therapy; three courses in human
16 development; one course in research; one course in
17 professional studies or professional law and ethics; and one
18 year of supervised clinical practice;

19 (C) either

20 (i) has practiced marital and family therapy for
21 two years including at least 1,000 hours of direct clinical
22 contact with couples and families and has been supervised in
23 the clinical contact for at least 200 hours including 100
24 hours of individual supervision; or

25 (ii) is a clinical member of the American Asso-
26 ciation of Marriage and Family Therapy;

27 (D) has practiced marital and family therapy for one
28 year immediately preceding the application;

29 (E) has passed a written or oral examination

1 administered by the board.

2 (b) The board shall liberally construe the requirements of (a)
3 of this section. The board may waive the requirements of (a)(3)(B),
4 (C), (D) or (E) of this section if it determines that an applicant is
5 qualified for a license by reason of education and experience.

6 (c) An applicant who fails an examination given under this
7 section may not be admitted to a subsequent examination for a period
8 of six months from the date of the examination that was failed.

9 * Sec. 7. AS 08.63.060 is repealed and reenacted to read:

10 Sec. 08.63.060. QUALIFICATIONS FOR LICENSE. (a) The board
11 shall issue a license to practice marital and family therapy to a
12 person who

- 13 (1) applies on a form provided by the board;
14 (2) pays the fees required under AS 08.63.100;
15 (3) furnishes evidence satisfactory to the board that the
16 person

17 (A) has not engaged in conduct that is a ground for
18 imposing disciplinary sanctions under AS 08.63.120;

19 (B) holds a master's degree, doctorate, or the equiva-
20 lent from an accredited educational institution approved by the
21 board, for which the person completed a course of study that
22 included one year of supervised clinical practice with 500 hours
23 of supervised client contact, with at least

- 24 (i) three courses in marital and family therapy;
25 (ii) three courses in marital and family studies;
26 (iii) three courses in human development;
27 (iv) one course in professional studies or profes-
28 sional ethics and law;
29 (v) one course in research;

1 (C) after receiving a degree listed in (a)(3)(B) of
2 this section, has practiced marital and family therapy for two
3 years, including 1,000 hours of direct clinical contact with
4 couples and families and has been supervised in the clinical
5 contact for at least 200 hours including 100 hours of individual
6 supervision approved by the board; and

7 (D) has passed a written or oral examination adminis-
8 tered by the board.

9 (b) The board shall liberally construe the requirements of (a)
10 of this section. The board may waive the requirements of (a)(3)(B),
11 (C), or (D) of this section if it determines that an applicant is
12 qualified by reason of education and experience.

13 (c) An applicant who fails an examination given under this
14 section may not be admitted to a subsequent examination for a period
15 of six months from the date of the examination that was failed.

16 * Sec. 8. AS 08.63 is amended by adding new sections to read:

17 Sec. 08.63.070. LICENSE FOR SUPERVISED PRACTICE. (a) The board
18 shall issue a license for the supervised practice of marital and
19 family therapy to a person who meets the requirements of AS 08.63.-
20 060(a)(1), (2), and (3)(A) and additional requirements established by
21 the board.

22 (b) A licensee under this section is entitled to practice only

23 (1) under the direct supervision of a licensed marital and
24 family therapist or other supervisor approved by the board; and

25 (2) in a clinic, social service agency, or other setting
26 approved by the board.

27 (c) A license for supervised practice expires four years from
28 the date of issuance and may not be renewed.

29 (d) A person may not supervise a licensee under this section

1 unless the person

2 (1) has practiced marital and family therapy for five
3 years;

4 (2) meets the minimum standards for approved supervisors
5 established by the American Association for Marriage and Family
6 Therapy.

7 (e) A person practicing under a license for supervised practice
8 shall use the title "marital therapy intern", "family therapy intern",
9 or another title that is approved by the board.

10 Sec. 08.63.080. LICENSE BY CREDENTIALS. The board shall issue a
11 license to practice marital and family therapy to a person who is
12 licensed or certified as a marital and family therapist in another
13 state whose requirements for the license or certificate are equal to
14 or exceed the requirements of this state. An applicant for a license
15 under this section shall meet the requirements of AS 08.63.060(a)(1),
16 (2), and (3)(A).

17 Sec. 08.63.090. LICENSE RENEWAL. A license issued under AS 08.-
18 63.060 or 08.63.080 expires two years from the date of issue and may
19 be renewed.

20 Sec. 08.63.100. FEES. The following fees shall be imposed under
21 this chapter:

- 22 (1) application fee\$ 25
23 (2) examination fee125
24 (3) credential review fee125
25 (4) initial license fee200
26 (5) license renewal200
27 (6) license for supervised practice200

28 Sec. 08.63.110. MALPRACTICE INSURANCE. The board may require
29 persons licensed under this chapter to carry insurance against

1 liability for negligence in the practice of marital and family
2 therapy.

3 Sec. 08.63.120. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
4 TIONS. After a hearing, the board may impose a disciplinary sanction
5 on a person licensed under this chapter when the board finds that the
6 person

7 (1) secured a license through deceit, fraud, or intentional
8 misrepresentation;

9 (2) engaged in deceit, fraud, or intentional misrepresenta-
10 tion in the course of providing professional services or engaging in
11 professional activities;

12 (3) advertised professional services in a false or mislead-
13 ing manner;

14 (4) has been convicted of a felony or other crime that
15 affects the person's ability to continue to practice competently and
16 safely;

17 (5) failed to comply with a provision of this chapter or a
18 regulation adopted under this chapter, or an order of the board;

19 (6) continued to practice after becoming unfit due to

20 (A) professional incompetence;

21 (B) failure to keep informed of current professional
22 practices;

23 (C) addiction or severe dependency on alcohol or
24 another drug that impairs the person's ability to practice safe-
25 ly;

26 (D) physical or mental disability;

27 (7) engaged in lewd or immoral conduct in connection with
28 the delivery of professional service to clients.

29 Sec. 08.63.130. DISCIPLINARY SANCTIONS. (a) When it finds that

1 a licensee has violated a provision of AS 08.63.120, the board may
2 impose the following sanctions singly or in combination:

- 3 (1) permanently revoke a license to practice;
4 (2) suspend a license for a determinate period of time;
5 (3) censure a licensee;
6 (4) issue a letter of reprimand;
7 (5) place a licensee on probationary status and require the
8 licensee to

9 (A) report regularly to the board upon matters involv-
10 ing the basis of probation;

11 (B) limit practice to those areas prescribed;

12 (C) continue professional education until a satisfac-
13 tory degree of skill has been attained in those areas determined
14 by the board to need improvement;

15 (6) impose limitations or conditions on the practice of a
16 licensee.

17 (b) The board may withdraw a limitation, condition, or
18 probationary status if it finds that the deficiency that required the
19 sanction has been remedied.

20 (c) The board may summarily suspend a license before final
21 hearing or during the appeals process if the board finds that the
22 licensee poses a clear and immediate danger to the public welfare and
23 safety if the licensee continues to practice. A person whose license
24 is suspended under this section is entitled to a hearing by the board
25 no later than seven days after the effective date of the order. The
26 person may appeal the suspension after a hearing to the superior
27 court.

28 (d) The board may reinstate a license that has been suspended or
29 revoked if the board finds after a hearing that the applicant is able

1 to practice with reasonable skill and safety.

2 (e) The board shall seek consistency in the application of
3 disciplinary sanctions, and significant departure from prior decisions
4 involving similar situations shall be explained in findings of fact or
5 orders.

6 Sec. 08.63.140. PROHIBITED ACTS. Except as provided in this
7 chapter, it is unlawful for a person who is not licensed under this
8 chapter to

9 (1) advertise that the person practices marital and family
10 therapy;

11 (2) use a title indicating that the person practices or is
12 licensed to practice marital and family therapy;

13 (3) practice marital and family therapy.

14 Sec. 08.63.150. PENALTIES. A person who violates AS 08.63.140
15 is guilty of a class B misdemeanor.

16 Sec. 08.63.160. EXCLUSIONS. This chapter does not apply to a
17 person who practices marital and family therapy as a part of duties as

18 (1) an attorney or judge;

19 (2) a physician or psychiatrist;

20 (3) a psychologist or psychological associate;

21 (4) a clergyman;

22 (5) an employee of a government agency or of an educational
23 institution approved by the board.

24 Sec. 08.63.170. DEFINITIONS. In this chapter, unless the con-
25 text indicates otherwise,

26 (1) "board" means the Board of Marital and Family Thera-
27 pists;

28 (2) "course" means a class of at least three credit hours
29 in a graduate program at an accredited educational institution;

1 (3) "practice of marital and family therapy" means the
2 professional application of marriage and family system theories and
3 techniques in the diagnosis and treatment of mental and emotional
4 conditions in individuals, couples and families; marital and family
5 therapy is distinguished from marriage and family counseling by the
6 presence of a mental or physical disorder, referenced in standard
7 diagnostic nomenclature, in at least one member of the family or
8 couple being treated.

9 * Sec. 9. AS 44.62.330(a) is amended by adding a new paragraph to read:

10 (53) Board of Marital and Family Therapists.

11 * Sec. 10. INITIAL APPOINTMENTS TO THE BOARD. (a) The initial ap-
12 pointments of members to the Board of Marital and Family Therapists shall
13 be for terms as follows:

14 (1) two members for a term of two years;

15 (2) three members for a term of three years;

16 (3) two members for a term of four years.

17 (b) In making the initial appointments of professional members to the
18 Board of Marital and Family Therapists, the governor shall consider a
19 person licensed for the purpose of AS 08.63.020(a)(1) if the person would
20 be entitled to a license under AS 08.63.060. The Board of Marital and
21 Family Therapists shall issue a license to practice marital and family
22 therapy to each professional member appointed under this section.

23 (c) The governor shall make the initial appointments to the Board of
24 Marital and Family Therapists not later than 90 days after the effective
25 date of this Act.

26 * Sec. 11. Section 6 of this Act is repealed on July 1, 1985.

27 * Sec. 12. Sections 1 - 6 and 8 - 10 of this Act take effect July 1,
28 1984.

29 * Sec. 13. Section 7 of this Act takes effect July 1, 1985.