

1 IN THE HOUSE

BY GRUENBERG AND MENARD

2

HOUSE BILL NO. 305

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act regulating the practice of marital and family  
7 therapy; 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 63. MARITAL AND FAMILY THERAPY.

11 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

12 Sec. 08.63.010. BOARD ESTABLISHED. (a) There is established  
13 the Board of Marital and Family Therapy.

14 (b) The board consists of three persons licensed under this  
15 chapter and two members of the public.

16 Sec. 08.63.020. BOARD APPOINTMENTS. The governor shall appoint  
17 the members of the board subject to confirmation by the legislature.

18 Sec. 08.63.030. MEETINGS. The board shall hold an annual meet-  
19 ing and may hold special meetings at the call of the chair or a major-  
20 ity of the board members.

21 Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may  
22 remove a member of the board for good cause.

23 Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall  
24 (1) establish objective examination requirements and train-  
25 ing and education requirements for persons who apply for a license to  
26 practice martial and family therapy;

27 (2) examine applicants and issue licenses to qualified  
28 applicants;

29 (3) establish continuing education requirements for license

- 1 renewal;
- 2 (4) adopt a code of ethical practice for marital and family
- 3 therapy;
- 4 (5) hold hearings and order the disciplinary sanction of a
- 5 person who violates this chapter or a regulation of the board;
- 6 (6) establish standards for supervisors and supervision
- 7 under this chapter;
- 8 (7) report annually to the governor and the department on
- 9 the board's proceedings each year; the report must include the number
- 10 of licensure applicants, the number of examinations conducted, the
- 11 failure rate for each examination, a financial report, and other
- 12 information requested by the department;
- 13 (8) enforce the provisions of this chapter and adopt regu-
- 14 lations necessary to carry out its duties under this chapter.

15 Sec. 08.63.060. AUTHORIZED SUPERVISORS. (a) A person may not

16 supervise a person under this chapter unless approved by the board to

17 be a supervisor.

- 18 (b) A person who supervises a licensee under this section must
- 19 (1) have practiced marital and family therapy for five
- 20 years;
- 21 (2) be licensed under this chapter; and
- 22 (3) meet the minimum standards established by the board for
- 23 approved supervisors.

24 Sec. 08.63.070. PROCEDURES. The Administrative Procedure Act

25 (AS 44.62) applies to regulations and proceedings under this chapter.

26 ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

27 Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a)

28 The board shall issue a license to practice marital and family therapy

29 to a person who

1 (1) applies on a form provided by the board;  
2 (2) pays the fee required under AS 08.63.200;  
3 (3) furnishes evidence satisfactory to the board that the  
4 person

5 (A) has not engaged in conduct that is a ground for  
6 imposing disciplinary sanctions under AS 08.63.220;

7 (B) holds a master's degree, doctorate, or the equiva-  
8 lent, from an accredited educational institution approved by the  
9 board for which the person completed a course of study that  
10 included instruction substantially equivalent to the following:

11 (i) courses in marital and family therapy;

12 (ii) courses in marital and family studies;

13 (iii) courses in human development;

14 (iv) a course in professional studies or  
15 professional ethics and law;

16 (v) a course in research; and

17 (vi) one year of supervised clinical practice in  
18 marital and family therapy;

19 (C) after receiving a degree described in (B) of this  
20 paragraph, has

21 (i) practiced marital and family therapy within  
22 three years of the person's application, including 1,500  
23 hours of direct clinical contact with couples and families;  
24 and

25 (ii) been supervised in the clinical contact for  
26 at least 200 hours, including 100 hours of individual super-  
27 vision and 100 hours of group supervision approved by the  
28 board; and

29 (D) has passed a written or oral examination

1 administered by the board.

2 (b) The board may not allow an applicant who fails an examina-  
3 tion given under this section to take a subsequent examination for a  
4 period of six months from the date of the examination that the appli-  
5 cant failed.

6 (c) A license issued under this section expires two years from  
7 the date of issue. It may be renewed by payment of the fee required  
8 under AS 08.63.200 and by satisfaction of the continuing education  
9 requirements established by the board for the renewal of licenses  
10 issued under this section.

11 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board  
12 shall issue a four-year license for the supervised practice of marital  
13 and family therapy to a person who meets the requirements of AS 08.-  
14 63.100(a)(1), (2), and (3)(A) - (B).

15 (b) A licensee under this section may practice only

16 (1) under the direct supervision of a supervisor approved  
17 by the board under AS 08.63.060; and

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

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

22 (d) A licensee under this section shall submit to the board for  
23 its approval a proposed plan for satisfying the supervision require-  
24 ments of AS 08.63.100(a)(3)(C).

25 (e) A licensee under this section shall use the title "marital  
26 therapy associate," "family therapy associate," or other title that is  
27 approved by the board.

28 (f) The board shall revoke a license for supervised practice if  
29 the person fails the examination required under AS 08.63.100 two or

1 more times.

2           Sec. 08.63.120. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL  
3 AND FAMILY THERAPY. (a) The board shall issue a temporary license  
4 for the practice of marital and family therapy to an applicant who  
5 satisfies the requirements of AS 08.63.100(a)(1), (2) and (3)(A), (B),  
6 and (C) and has been approved by the board to take the marital and  
7 family therapy examination.

8           (b) A person may practice under a temporary license until the  
9 board issues the results of the first marital and family therapy  
10 examination given after issuance of the person's temporary license and  
11 either issues or denies a license under AS 08.63.100 to the person.

12           (c) If a licensee under this section fails the marital and  
13 family therapy examination, the board may not renew the person's  
14 temporary license.

15           Sec. 08.63.130. LICENSURE BY CREDENTIALS. The board shall issue  
16 a license to practice marital and family therapy to a person who

17           (1) is licensed or certified as a marital and family thera-  
18 pist in another state that has requirements for the license or certif-  
19 icate that are substantially equal to or greater than the requirements  
20 of this state; and

21           (2) meets the requirements of AS 08.63.100(a)(1), (2), and  
22 (3)(A).

23                           ARTICLE 3. GENERAL PROVISIONS.

24           Sec. 08.63.200. FEES. The department shall establish fees under  
25 AS 08.01.065 for the following procedures related to licensing under  
26 this chapter:

- 27           (1) application;  
28           (2) examination;  
29           (3) credential review;

- 1 (4) license;
- 2 (5) temporary license;
- 3 (6) license for supervised practice;
- 4 (7) renewal of license.

5 Sec. 08.63.210. CONFIDENTIALITY OF COMMUNICATION. (a) A person  
6 licensed under this chapter may not reveal to another person a commu-  
7 nication made to the licensee by a client about a matter concerning  
8 which the client has employed the licensee in a professional capacity.  
9 This section does not apply to

10 (1) a case conference with other persons licensed under  
11 this chapter or with clinical social workers, psychologists, psycho-  
12 logical associates, physicians, or surgeons;

13 (2) the release of information that the client in writing  
14 authorized the licensee to reveal; or

15 (3) information revealed as part of the discovery of evi-  
16 dence related to a court proceeding or introduced in evidence in a  
17 court proceeding.

18 (b) Notwithstanding (a) of this section, a person licensed under  
19 this chapter shall report incidents of child abuse or neglect as  
20 required by AS 47.17.020.

21 Sec. 08.63.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
22 TIONS. After a hearing, the board may impose a disciplinary sanction  
23 on a person licensed under this chapter when the board finds that the  
24 person

25 (1) secured a license through deceit, fraud, or intentional  
26 misrepresentation;

27 (2) engaged in deceit, fraud, or intentional misrepresenta-  
28 tion in the course of providing professional services or engaging in  
29 professional activities;

1           (3) advertised professional services in a false or mislead-  
2           ing manner;

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

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

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

8                   (A) professional incompetence;

9                   (B) addiction or severe dependency on alcohol or  
10           another drug that impairs the person's ability to practice safe-  
11           ly;

12                   (C) physical or mental disability;

13           (7) engage in lewd or immoral conduct in connection with  
14           the delivery of professional services to clients.

15           Sec. 08.63.230. DISCIPLINARY SANCTIONS. (a) When it finds that  
16           a licensee has violated a provision of AS 08.63.220, the board may  
17           impose the following sanctions singly or in combination:

18                   (1) permanently revoke a license to practice;

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

20                   (3) censure a licensee;

21                   (4) issue a letter of reprimand;

22                   (5) place a licensee on probationary status and require the  
23           licensee to

24                   (A) report regularly to the board on matters involving  
25           the basis of probation;

26                   (B) limit practice to prescribed areas;

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

1                   (6) impose limitations or conditions on the practice of a  
2 licensee.

3                   (b) The board may withdraw a limitation, condition, or proba-  
4 tionary status if it finds that the deficiency that required the  
5 sanction has been remedied.

6                   (c) The board may summarily suspend a license before final  
7 hearing or during the appeals process if the board finds that the  
8 licensee poses a clear and immediate danger to the public welfare and  
9 safety if the licensee continues to practice. A person whose license  
10 is suspended under this section is entitled to a hearing by the board  
11 no later than seven days after the effective date of the order. The  
12 person may appeal the suspension after the hearing to the superior  
13 court.

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

17                   (e) The board shall seek consistency in the application of  
18 disciplinary sanctions, and the board shall explain a significant  
19 departure from prior decisions involving similar situations in its  
20 findings of fact or orders.

21                   Sec. 08.63.240. LICENSE REQUIRED. (a) A person who knowingly  
22 engages in the practice of marital and family therapy without obtain-  
23 ing a license issued by the board and without qualifying for an exemp-  
24 tion from this chapter is guilty of a class B misdemeanor.

25                   (b) A person who is not licensed under this chapter or whose  
26 license is suspended or revoked, or whose license has lapsed, who  
27 knowingly uses in connection with the person's name the words or  
28 letters "M.F.T.," "Marital and Family Therapist," or other letters,  
29 words, or insignia indicating or implying that the person is a

1 licensed marital and family therapist or who in any way, orally, or in  
2 writing, directly or by implication, knowingly holds out as a  
3 licensed marital and family therapist is guilty of a class B misde-  
4 meanor.

5 Sec. 08.63.250. ~~EXEMPTIONS~~. This chapter does not apply to a  
6 person who

7 (1) practices marital and family therapy as an employee of  
8 a federal, state, or local government or of a private nonprofit organi-  
9 zation that is exempt from federal income tax; or

10 (2) is a qualified member of a recognized profession, other  
11 than marital and family therapy, and does not represent to the public  
12 by title or description of service as practicing marital and family  
13 therapy.

14 Sec. 08.63.900. ~~DEFINITIONS~~. In this chapter, unless the con-  
15 text indicates otherwise,

16 (1) "advertisement" includes issuing or causing to be distri-  
17 buted a card, sign or device to a person, or causing, permitting, or  
18 allowing a sign or marking on or in a building or structure, or in a  
19 newspaper, magazine, or directory, or on radio or television, or using  
20 other means designed to secure public attention;

21 (2) "board" means the Board of Marital and Family Therapy;

22 (3) "course" means a class of at least three credit hours  
23 in a graduate program at an accredited educational institution or an  
24 institution approved by the board;

25 (4) "practice of marital and family therapy" means the  
26 diagnosis and treatment of mental and emotional disorders that are  
27 referenced in the standard diagnostic nomenclature for marital and  
28 family therapy, whether cognitive, affective, or behavioral, within  
29 the context of human relationships, particularly marital and family

1 systems; marital and family therapy involves

2 (A) the professional application of assessments and  
3 treatments of psychotherapeutic services to individuals, couples,  
4 and families for the purpose of treating the diagnosed emotional  
5 and mental disorders;

6 (B) an applied understanding of the dynamics of mari-  
7 tal and family interactions, along with the application of  
8 psychotherapeutic and counseling techniques for the purpose of  
9 resolving intrapersonal and interpersonal conflict and changing  
10 perceptions, attitudes, and behaviors in the area of human rela-  
11 tionships and family life;

12 (5) "supervision" means face-to-face consultation, direc-  
13 tion, review, evaluation, and assessment of the practice of the person  
14 being supervised, including direct observation and the review of case  
15 presentations, audio tapes and video tapes.

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

17 (31) Board of Marital and Family Therapy (AS 08.63.010).

18 \* Sec. 3. AS 08.02.010(a) is amended to read:

19 (a) An audiologist licensed under AS 08.11, a person licensed in  
20 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,  
21 a marital and family therapist under AS 08.63, a medical practitioner  
22 or osteopath under AS 08.64, a registered nurse under AS 08.68, an  
23 optometrist under AS 08.72, a registered pharmacist under AS 08.80, a  
24 registered physical therapist or occupational therapist under AS 08.-  
25 84, a psychologist under AS 08.86, or a clinical social worker li-  
26 censed under AS 08.95, shall use as professional identification appro-  
27 priate letters or a title after that person's name which represents  
28 that person's specific field of practice. The letters or title shall  
29 appear on all signs, stationery, or other advertising in which the

1 person offers or displays personal professional services to the pub-  
2 lic. In addition, a person engaged in the practice of medicine or  
3 osteopathy under AS 08.64.380(2) or a person engaged in any manner in  
4 the healing arts who diagnoses, treats, tests, or counsels other  
5 persons in relation to human health or disease and uses the letters  
6 "M.D." or the title "doctor" or "physician" or another title that  
7 tends to show that the person is willing or qualified to diagnose,  
8 treat, test, or counsel another person, shall clarify the letters or  
9 title by adding the appropriate specialist designation, if any, such  
10 as "dermatologist", "radiologist", "audiologist", "naturopath", or the  
11 like.

12 \* Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:  
13 (24) Board of Marital and Family Therapy (AS 08.63.010) --  
14 June 30, 1993.

15 \* Sec. 5. AS 21.88.900(a)(9) is amended to read:  
16 (9) "health care provider" means an audiologist licensed  
17 under AS 08.11; a chiropractor licensed under AS 08.20; a dental  
18 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;  
19 a marital and family therapist licensed under AS 08.63; a nurse li-  
20 censed under AS 08.68; a dispensing optician licensed under AS 08.71;  
21 an optometrist licensed under AS 08.72; a pharmacist licensed under  
22 AS 08.80; a physical therapist or occupational therapist licensed  
23 under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a  
24 psychologist and a psychological associate licensed under AS 08.86; a  
25 hospital as defined in AS 18.20.130, including a governmentally owned  
26 or operated hospital; a corporate entity covered under AS 21.88.-  
27 050(b)(11); an employee of a health care provider acting within the  
28 course and scope of employment;

29 \* Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:

1 (55) Board of Marital and Family Therapy (AS 08.63.010).

2 \* Sec. 7. AS 47.17.070(9) is amended to read:

3 (9) "practitioner of the healing arts" includes chiro-  
4 practors, dental hygienists, dentists, health aides, nurses, nurse  
5 practitioners, occupational therapists, occupational therapy assis-  
6 tants, optometrists, osteopaths, naturopaths, physical therapists,  
7 physical therapy assistants, physicians, physician's assistants,  
8 psychiatrists, psychologists, psychological associates, marital and  
9 family therapists licensed under AS 08.63, audiologists licensed under  
10 AS 08.11, hearing aid dealers licensed under AS 08.55, religious  
11 healing practitioners, and surgeons;

12 \* Sec. 8. INITIAL APPOINTMENTS. (a) In making the initial appoint-  
13 ments of professional members to the Board of Marital and Family Therapy,  
14 the governor shall consider a person licensed for the purpose of AS 08.63.-  
15 010 if the person would be entitled to a license under AS 08.63.100(a)(1) -  
16 (3)(A) - (B), enacted by sec. 1 of this Act. The Board of Marital and  
17 Family Therapy shall issue a license to practice marital and family therapy  
18 to the professional members appointed under this section.

19 (b) A license issued under this chapter is subject to the same re-  
20 newal requirements as a license issued under AS 08.63.100 as enacted by  
21 sec. 1 of this Act.

22 \* Sec. 9. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100,  
23 enacted by sec. 1 of this Act, the board shall issue a license to practice  
24 marital and family therapy to a person who

25 (1) applies for a license before July 1, 1990;

26 (2) satisfies the requirements of AS 08.63.100(a)(1) - (3)(A),  
27 enacted by sec. 1 of this Act;

28 (3) holds a master's or doctorate degree from an accredited  
29 educational institution either in

1                   (A) marital and family therapy; or  
2                   (B) an appropriate course of study approved by the board;  
3           and  
4                   (4) has practiced marital and family therapy in the state for at  
5   least two years preceding application.

6           (b) A license under this section is subject to the same renewal  
7   requirements as a license issued under AS 08.63.100, as enacted by sec. 1  
8   of this Act.

9           (c) The board shall liberally construe the requirements of (a) of  
10   this section for the purposes of licensing as a marital and family therapy  
11   professional every person who merits licensing by virtue of the person's  
12   education, training, and experience in the field of marital and family  
13   therapy.

14   \* Sec. 10. AS 08.63.240 and 08.63.250, as enacted by sec. 1 of this  
15   Act, take effect July 1, 1990.

16   \* Sec. 11. Except as provided in sec. 10 of this Act, this Act takes  
17   effect July 1, 1989.