

BY SEN. PEARCE

1 IN THE SENATE

2

SENATE BILL NO. 481

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND 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. DUTIES OF DEPARTMENT.

12 Sec. 08.63.010. AUTHORITY OF DEPARTMENT. The department has  
13 jurisdiction over the practice of marital and family therapy under  
14 this chapter. In addition to the duties of the department under  
15 AS 08.01, the department shall

16 (1) establish objective examination requirements and train-  
17 ing and education requirements for persons who apply for a license to  
18 practice marital and family therapy;

19 (2) examine applicants and issue licenses to qualified  
20 applicants;

21 (3) establish continuing education requirements for license  
22 renewal;

23 (4) adopt a code of ethical practice for marital and family  
24 therapy;

25 (5) exercise with regard to marital and family therapists  
26 the disciplinary powers granted to boards by AS 08.01.075;

27 (6) establish standards for supervisors and supervision  
28 under this chapter;

29 (7) enforce the provisions of this chapter and adopt

1 regulations necessary to carry out its duties under this chapter.

2 Sec. 08.63.020. AUTHORIZED SUPERVISORS. (a) A person may not  
3 supervise a person under this chapter unless approved by the depart-  
4 ment to be a supervisor.

5 (b) A person who supervises a licensee under this section must

6 (1) have practiced marital and family therapy for five  
7 years;

8 (2) be licensed under this chapter; and

9 (3) meet the minimum standards established by the depart-  
10 ment for approved supervisors.

11 Sec. 08.63.030. PROCEDURES. The Administrative Procedure Act  
12 (AS 44.62) applies to regulations and proceedings under this chapter.

13 ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

14 Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a)  
15 The department shall issue a license to practice marital and family  
16 therapy to a person who

17 (1) applies on a form provided by the department;

18 (2) pays the fee established by the department;

19 (3) furnishes evidence satisfactory to the department that  
20 the person

21 (A) has not engaged in conduct that is a ground for  
22 imposing disciplinary sanctions under AS 08.63.210;

23 (B) holds a master's degree, doctorate, or the equiva-  
24 lent, from an accredited educational institution approved by the  
25 department for which the person completed a course of study that  
26 included instruction substantially equivalent to the following:

27 (i) courses in marital and family therapy;

28 (ii) courses in marital and family studies;

29 (iii) courses in human development;

1 (iv) a course in professional studies or  
2 professional ethics and law;

3 (v) a course in research; and

4 (vi) one year of supervised clinical practice in  
5 marital and family therapy;

6 (C) after receiving a degree described in (B) of this  
7 paragraph, has

8 (i) practiced marital and family therapy within  
9 three years of the person's application, including 1,500  
10 hours of direct clinical contact with couples and families;  
11 and

12 (ii) been supervised in the clinical contact for  
13 at least 200 hours, including 100 hours of individual super-  
14 vision and 100 hours of group supervision approved by the  
15 department; and

16 (D) has passed a written or oral examination adminis-  
17 tered by the department.

18 (b) The department may not allow an applicant who fails an  
19 examination given under this section to take a subsequent examination  
20 for a period of six months from the date of the examination that the  
21 applicant failed.

22 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The  
23 department shall issue a license for the supervised practice of mari-  
24 tal and family therapy to a person who meets the requirements of  
25 AS 08.63.100(a)(1), (2), and (3)(A) - (B).

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

27 (1) under the direct supervision of a supervisor approved  
28 by the department under AS 08.63.020; and

29 (2) in a clinic, social service agency, or other setting

1 approved by the department.

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

4 (d) A licensee under this section shall submit to the department  
5 for its approval a proposed plan for satisfying the supervision re-  
6 quirements of AS 08.63.100(a)(3)(C).

7 (e) A licensee under this section shall use the title "marital  
8 therapy associate," "family therapy associate," or other title that is  
9 approved by the department.

10 (f) The department shall revoke a license for supervised prac-  
11 tice if the person holding the license fails the examination required  
12 under AS 08.63.100 two or more times.

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

19 (b) A person may practice under a temporary license until the  
20 department issues the results of the first marital and family therapy  
21 examination given after issuance of the person's temporary license and  
22 either issues or denies a license under AS 08.63.100 to the person.

23 (c) If a licensee under this section fails the marital and  
24 family therapy examination, the department may not renew the person's  
25 temporary license.

26 Sec. 08.63.130. LICENSURE BY CREDENTIALS. The department shall  
27 issue a license to practice marital and family therapy to a person who

28 (1) is licensed or certified as a marital and family thera-  
29 pist in another state that has requirements for the license or

1 certificate that are substantially equal to or greater than the re-  
2 quirements of this state; and  
3 (2) meets the requirements of AS 08.63.100(a)(1), (2), and  
4 (3)(A).

5 ARTICLE 3. GENERAL PROVISIONS.

6 Sec. 08.63.200. CONFIDENTIALITY OF COMMUNICATION. (a) A person  
7 licensed under this chapter may not reveal to another person a commu-  
8 nication made to the licensee by a client about a matter concerning  
9 which the client has employed the licensee in a professional capacity.  
10 This section does not apply to

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

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

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

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

22 Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
23 TIONS. After a hearing, the department may impose a disciplinary  
24 sanction on a person licensed under this chapter when the department  
25 finds that the person

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

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

1 professional activities;

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

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

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

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

9 (A) professional incompetence;

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

13 (C) physical or mental disability; or

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

16 Sec. 08.63.220. LICENSE REQUIRED. (a) A person who knowingly  
17 engages in the practice of marital and family therapy without obtain-  
18 ing a license issued by the department and without qualifying for an  
19 exemption from this chapter is guilty of a class B misdemeanor.

20 (b) A person who is not licensed under this chapter or whose  
21 license is suspended or revoked, or whose license has lapsed, who  
22 knowingly uses in connection with the person's name the words or  
23 letters "M.F.T.," "Marital and Family Therapist," or other letters,  
24 words, or insignia indicating or implying that the person is a li-  
25 censed marital and family therapist or who in any way, orally, or in  
26 writing, directly or by implication, knowingly holds out as a licensed  
27 marital and family therapist is guilty of a class B misdemeanor.

28 Sec. 08.63.230. EXEMPTIONS. This chapter does not apply to a  
29 person who

1 (1) practices marital and family therapy as an employee of  
2 a federal, state, or local government or of a private nonprofit  
3 organization that is exempt from federal income tax; or

4 (2) is a qualified member of a recognized profession, other  
5 than marital and family therapy, and does not represent to the public  
6 by title or description of service as practicing marital and family  
7 therapy.

8 Sec. 08.63.900. DEFINITIONS. In this chapter, unless the con-  
9 text indicates otherwise,

10 (1) "advertise" includes issuing or causing to be distri-  
11 buted a card, sign or device to a person, or causing, permitting, or  
12 allowing a sign or marking on or in a building or structure, or in a  
13 newspaper, magazine, or directory, or on radio or television, or using  
14 other means designed to secure public attention;

15 (2) "course" means a class of at least three credit hours  
16 in a graduate program at an accredited educational institution or an  
17 institution approved by the department;

18 (3) "department" means the Department of Commerce and  
19 Economic Development;

20 (4) "practice of marital and family therapy" means the  
21 diagnosis and treatment of mental and emotional disorders that are  
22 referenced in the standard diagnostic nomenclature for marital and  
23 family therapy, whether cognitive, affective, or behavioral, within  
24 the context of human relationships, particularly marital and family  
25 systems; marital and family therapy involves

26 (A) the professional application of assessments and  
27 treatments of psychotherapeutic services to individuals, couples,  
28 and families for the purpose of treating the diagnosed emotional  
29 and mental disorders;

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

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

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

12 (32) regulation of marital and family therapy under  
13 AS 08.63.

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

15 (a) An acupuncturist licensed under AS 08.06, an audiologist  
16 licensed under AS 08.11, a person licensed in the state as a chiro-  
17 practor under AS 08.20, a dentist under AS 08.36, a marital and family  
18 therapist under AS 08.63, a medical practitioner or osteopath under  
19 AS 08.64, a registered nurse under AS 08.68, an optometrist under  
20 AS 08.72, a registered pharmacist under AS 08.80, a physical therapist  
21 or occupational therapist licensed under AS 08.84, a psychologist  
22 under AS 08.86, or a clinical social worker licensed under AS 08.95,  
23 shall use as professional identification appropriate letters or a  
24 title after that person's name which represents that person's specific  
25 field of practice. The letters or title shall appear on all signs,  
26 stationery, or other advertising in which the person offers or dis-  
27 plays personal professional services to the public. In addition, a  
28 person engaged in the practice of medicine or osteopathy under AS 08.-  
29 64.380(2) or a person engaged in any manner in the healing arts who

1 diagnoses, treats, tests, or counsels other persons in relation to  
2 human health or disease and uses the letters "M.D." or the title  
3 "doctor" or "physician" or another title that tends to show that the  
4 person is willing or qualified to diagnose, treat, test, or counsel  
5 another person, shall clarify the letters or title by adding the  
6 appropriate specialist designation, if any, such as "dermatologist",  
7 "radiologist", "audiologist", "naturopath", or the like.

8 \* Sec. 4. AS 21.88.900(9) is amended to read:

9 (9) "health care provider" means an acupuncturist licensed  
10 under AS 08.06; an audiologist licensed under AS 08.11; a chiropractor  
11 licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a  
12 dentist licensed under AS 08.36; a marital and family therapist li-  
13 censed under AS 08.63; a nurse licensed under AS 08.68; a dispensing  
14 optician licensed under AS 08.71; an optometrist licensed under  
15 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
16 or occupational therapist licensed under AS 08.84; a physician li-  
17 censed under AS 08.64; a podiatrist; a psychologist and a psychologi-  
18 cal associate licensed under AS 08.86; a hospital as defined in  
19 AS 18.20.130, including a governmentally owned or operated hospital; a  
20 corporate entity covered under AS 21.88.050(b)(11); an employee of a  
21 health care provider acting within the course and scope of employment;

22 \* Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

23 (55) Department of Commerce and Economic Development con-  
24 cerning the licensing and regulation of marital and family therapists  
25 under AS 08.63.

26 \* Sec. 6. AS 47.17.070(9) is amended to read:

27 (9) "practitioner of the healing arts" includes acupunctur-  
28 ists, chiropractors, dental hygienists, dentists, health aides,  
29 nurses, nurse practitioners, occupational therapists, occupational

1 therapy assistants, optometrists, osteopaths, naturopaths, physical  
2 therapists, physical therapy assistants, physicians, physician's  
3 assistants, psychiatrists, psychologists, psychological associates,  
4 marital and family therapists licensed under AS 08.63, audiologists  
5 licensed under AS 08.11, hearing aid dealers licensed under AS 08.55,  
6 religious healing practitioners, and surgeons;

7 \* Sec. 7. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100,  
8 enacted by sec. 1 of this Act, the department shall issue a license to  
9 practice marital and family therapy to a person who

10 (1) applies for a license before July 1, 1991;

11 (2) satisfies the requirements of AS 08.63.100(a)(1), (2), and  
12 (3)(A), enacted by sec. 1 of this Act;

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

15 (A) marital and family therapy; or

16 (B) an appropriate course of study approved by the depart-  
17 ment; and

18 (4) has practiced marital and family therapy in the state for at  
19 least two years preceding application.

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

23 (c) The department shall liberally construe the requirements of (a)  
24 of this section for the purposes of licensing as a marital and family  
25 therapy professional every person who merits licensing by virtue of the  
26 person's education, training, and experience in the field of marital and  
27 family therapy.

28 \* Sec. 8. AS 08.63.220 and 08.63.230, as enacted by sec. 1 of this Act,  
29 take effect July 1, 1991.

1 \* Sec. 9. Except as provided in sec. 8 of this Act, this Act takes  
2 effect July 1, 1990.