

HOUSE BILL NO. 18

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES GRUENBERG, Carney

Introduced: 1/21/91

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act regulating the practice of marital and family therapy; amending Alaska Rule of
2 Evidence 504(a)(3); and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 08 is amended by adding a new chapter to read:

5 CHAPTER 63. MARITAL AND FAMILY THERAPY.

6 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

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

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

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

13 Sec. 08.63.030. MEETINGS. The board shall hold an annual meeting and may hold
14 special meetings at the call of the chair or a majority of the board members.

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

3 Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall

4 (1) establish objective examination requirements and training and education
5 requirements for persons who apply for a license to practice marital and family therapy;

6 (2) examine applicants and issue licenses to qualified applicants;

7 (3) establish continuing education requirements for license renewal;

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

9 (5) hold hearings and order the disciplinary sanction of a person who violates this
10 chapter or a regulation of the board;

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

12 (7) report annually to the governor and the department on the board's proceedings
13 each year; the report must include the number of licensure applicants, the number of
14 examinations conducted, the failure rate for each examination, a financial report, and other
15 information requested by the department;

16 (8) enforce the provisions of this chapter and adopt regulations necessary to carry
17 out its duties under this chapter.

18 Sec. 08.63.060. PROCEDURES. The Administrative Procedure Act (AS 44.62) applies
19 to regulations and proceedings under this chapter.

20 ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

21 Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a) The board
22 shall issue a license to practice marital and family therapy to a person who

23 (1) applies on a form provided by the board;

24 (2) pays the fee established under AS 08.01.065;

25 (3) furnishes evidence satisfactory to the board that the person

26 (A) has not engaged in conduct that is a ground for imposing disciplinary
27 sanctions under AS 08.63.210,

28 (B) holds a master's degree or doctorate in marital and family therapy,
29 another mental health field, or the equivalent, from an accredited educational institution
30 approved by the board for which the person completed a course of study that included
31 instruction substantially equivalent to the following:

- 1 (i) courses in marital and family therapy;
2 (ii) courses in marital and family studies;
3 (iii) courses in human development;
4 (iv) a course in professional studies or professional ethics and law;
5 (v) a course in research; and
6 (vi) one year of supervised clinical practice in marital and family
7 therapy;

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

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

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

15 (D) has passed a written or oral examination administered by the board.

16 (b) Under regulations adopted by the board, a person who holds a master's or doctorate
17 degree in marital and family therapy, another mental health field, or its equivalent, from an
18 educational institution approved by the board, but whose course of degree study did not include
19 all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute
20 post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B)
21 of this section.

22 (c) An applicant who fails an examination given under this section may not retake the
23 examination for a period of six months from the date of the examination that the applicant failed.

24 (d) A license issued under this section expires two years from the date of issuance. It
25 may be renewed by payment of the fee established under AS 08.01.065 and by satisfaction of
26 the continuing education requirements established by the board for the renewal of licenses issued
27 under this section.

28 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board shall issue
29 a four-year license for the supervised practice of marital and family therapy to a person who
30 meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A) - (B).

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

1 (1) under the direct supervision of a supervisor approved by the board under
2 AS 08.63.120; and

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

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

6 (d) A licensee under this section shall submit to the board for its approval a proposed
7 plan for satisfying the supervision requirements of AS 08.63.100(a)(3)(C).

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

10 (f) The board shall revoke a license for supervised practice if the person fails the
11 examination required under AS 08.63.100 two or more times.

12 Sec. 08.63.120. AUTHORIZED SUPERVISORS. (a) A person may not supervise a
13 person under this chapter unless approved by the board to be a supervisor.

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

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

16 (2) be licensed under this chapter; and

17 (3) meet the minimum standards established by the board for approved
18 supervisors.

19 Sec. 08.63.130. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL AND
20 FAMILY THERAPY. (a) The board shall issue a temporary license for the practice of marital
21 and family therapy to an applicant who satisfies the requirements of AS 08.63.100(a)(1), (2) and
22 (3)(A), (B), and (C) and has been approved by the board to take the marital and family therapy
23 examination.

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

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

29 Sec. 08.63.140. LICENSURE BY CREDENTIALS. The board shall issue a license to
30 practice marital and family therapy to a person who

31 (1) is licensed or certified for the practice of marital and family therapy in another

1 state that has requirements for the license or certificate that are substantially equal to or greater
2 than the requirements of this state; and

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

4 ARTICLE 3. GENERAL PROVISIONS.

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

9 (1) a case conference or case consultation with other mental health professionals
10 at which the patient is not identified;

11 (2) the release of information that the client in writing authorized the licensee to
12 reveal;

13 (3) information released to the board as part of a disciplinary or other proceeding;

14 or

15 (4) situations where the rules of evidence applicable to the psychotherapist-patient
16 privilege allow the release of the information.

17 (b) Notwithstanding (a) of this section, a person licensed under this chapter shall report
18 incidents of child abuse or neglect as required by AS 47.17.

19 (c) Information obtained by the board under (a)(3) of this section is confidential and is
20 not a public record for purposes of AS 09.25.110 - 09.25.140.

21 Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.
22 After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person
23 licensed under this chapter when the board finds that the person

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

25 (2) engaged in deceit, fraud, or intentional misrepresentation in the course of
26 providing professional services or engaging in professional activities;

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

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

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

- 1 (6) continued to practice after becoming unfit due to
2 (A) professional incompetence;
3 (B) addiction or severe dependency on alcohol or another drug that impairs
4 the person's ability to practice safely;
5 (7) engaged in unethical conduct in connection with the delivery of professional
6 services to clients.

7 Sec. 08.63.220. LICENSE REQUIRED IF DESIGNATION USED. A person who is not
8 licensed under this chapter or whose license is suspended or revoked, or whose license has
9 lapsed, who knowingly uses in connection with the person's name the words or letters
10 "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and
11 Family Counselor," or other letters, words, or insignia indicating or implying that the person is
12 licensed as a marital and family therapist in this state or who in any way, orally or in writing,
13 directly or by implication, knowingly holds out as being licensed as a marital and family therapist
14 in this state is guilty of a class B misdemeanor.

15 Sec. 08.63.900. DEFINITIONS. In this chapter, unless the context indicates otherwise,

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

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

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

23 (4) "department" means the Department of Commerce and Economic
24 Development;

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

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

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

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

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

9 (33) Board of Marital and Family Therapy (AS 08.63.010).

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

11 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11,
12 a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a
13 marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath
14 under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered
15 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.-
16 84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use
17 as professional identification appropriate letters or a title after that person's name which repre-
18 sents that person's specific field of practice. The letters or title shall appear on all signs,
19 stationery, or other advertising in which the person offers or displays personal professional
20 services to the public. In addition, a person engaged in the practice of medicine or osteopathy
21 under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,
22 tests, or counsels other persons in relation to human health or disease and uses the letters "M.D."
23 or the title "doctor" or "physician" or another title that tends to show that the person is willing
24 or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by
25 adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist",
26 "audiologist", "naturopath", or the like.

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

28 (25) Board of Marital and Family Therapy (AS 08.63.010) -- June 30, 1994.

29 * Sec. 5. AS 21.88.900(10) is amended to read:

30 (10) "health care provider" means an acupuncturist licensed under AS 08.06; an
31 audiologist licensed under AS 08.11; a chiropractor licensed under AS 08.20; a dental hygienist

1 licensed under AS 08.32; a dentist licensed under AS 08.36; a marital and family therapist
2 licensed under AS 08.63; a nurse licensed under AS 08.68; a dispensing optician licensed under
3 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a
4 physical therapist or occupational therapist licensed under AS 08.84; a physician licensed under
5 AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a
6 hospital as defined in AS 18.20.130, including a governmentally owned or operated hospital; a
7 corporate entity covered under AS 21.88.050(b)(11); an employee of a health care provider acting
8 within the course and scope of employment;

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

10 (57) Board of Marital and Family Therapy (AS 08.63.010).

11 * **Sec. 7.** AS 47.17.290(13) is amended to read:

12 (13) "practitioner of the healing arts" includes chiropractors, mental health
13 counselors, dental hygienists, dentists, health aides, nurses, nurse practitioners, occupational
14 therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical thera-
15 pists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists,
16 psychological associates, audiologists licensed under AS 08.11, hearing aid dealers licensed under
17 AS 08.55, marital and family therapists licensed under AS 08.63, religious healing
18 practitioners, acupuncturists, and surgeons;

19 * **Sec. 8.** Alaska Rule of Evidence 504(a) is amended to read:

20 (a) DEFINITIONS. As used in this rule:

21 (1) A patient is a person who consults or is examined or interviewed by a
22 physician or psychotherapist.

23 (2) A physician is a person authorized to practice medicine in any state or nation,
24 or reasonably believed by the patient so to be.

25 (3) A psychotherapist is (A) a person authorized to practice medicine in any state
26 or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or
27 treatment of a mental or emotional condition, including alcohol or drug addiction, [OR] (B) a
28 person licensed or certified as a psychologist or psychological examiner under the laws of any
29 state or nation or reasonably believed by the patient to so be, while similarly engaged, or (C) a
30 person licensed as a marital or family therapist under the laws of a state or nation or
31 reasonably believed by the patient to so be, while similarly engaged.

1 (4) A communication is confidential if not intended to be disclosed to third
2 persons other than those present to further the interest of the patient in the consultation,
3 examination, or interview, or persons reasonably necessary for the transmission of the
4 communication, or persons who are participating in the diagnosis and treatment under the
5 direction of the physician or psychotherapist, including members of the patient's family.

6 * **Sec. 9. INITIAL APPOINTMENTS.** (a) In making the initial appointments of professional
7 members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for
8 the purpose of AS 08.63.010, added by sec. 1 of this Act, if the person would be entitled to a license
9 under sec. 10 of this Act. The Board of Marital and Family Therapy shall issue a license to practice
10 marital and family therapy to the professional members appointed under this section.

11 (b) A license issued under this section is subject to the same renewal requirements as a license
12 issued under AS 08.63.100, added by sec. 1 of this Act.

13 (c) The initial appointments to the board shall be staggered as provided in AS 39.05.055.

14 * **Sec. 10. TRANSITIONAL LICENSING.** (a) Notwithstanding AS 08.63.100, added by sec. 1 of
15 this Act, the Board of Marital and Family Therapy shall issue a license to practice marital and family
16 therapy to a person who

17 (1) applies for a license before July 1, 1992;

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

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

21 (A) marital and family therapy or another mental health field; or

22 (B) an appropriate course of study approved by the board; and

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

25 (b) A license under this section is subject to the same renewal requirements as a license issued
26 under AS 08.63.100, added by sec. 1 of this Act.

27 (c) The Board of Marital and Family Therapy shall liberally construe the requirements of (a) of
28 this section for the purposes of licensing as a marital and family therapy professional every person who
29 merits licensing by virtue of the person's education, training, and experience in the field of marital and
30 family therapy.

31 * **Sec. 11.** AS 08.63.220, added by sec. 1 of this Act, takes effect July 1, 1992.