

**2d CS FOR HOUSE BILL NO. 18 (RULES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RULES COMMITTEE**

**Offered: 4/16/92**  
**Referred: Rules**

**Sponsor(s): REPRESENTATIVES GRUENBERG, M.A.Miller, Carney, B.Davis**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(3);  
2 and providing for an effective date."

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

4 \* **Section 1.** AS 08.06.040 is amended to read:

5           Sec. 08.06.040. **RENEWAL OF LICENSE.** The department may not renew a license  
6           under this chapter unless the applicant

7                       [(1)] demonstrates continued competence as an acupuncturist in a manner  
8           established by the department in regulations [; AND

9                       (2) SUBMITS PROOF THAT THE APPLICANT MAINTAINS  
10           CERTIFICATION BY THE NATIONAL COUNCIL FOR THE CERTIFICATION OF  
11           ACUPUNCTURISTS AS A DIPLOMATE OF ACUPUNCTURE].

12 \* **Sec. 2.** AS 08 is amended by adding a new chapter to read:

13                       **CHAPTER 63. MARITAL AND FAMILY THERAPY.**

14                       **ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.**

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

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

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

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

9           Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may only remove  
10 a member of the board for good cause.

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

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

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

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

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

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

19           (6) ensure that licensees are aware of the requirements of AS 47.17.020;

20           (7) establish standards for supervisors and supervision under this chapter;

21           (8) report annually to the governor and the department on the board's proceedings  
22 each year; the report must include the number of licensure applicants, the number of  
23 examinations conducted, the failure rate for each examination, a financial report, and other  
24 information requested by the department;

25           (9) enforce the provisions of this chapter and adopt regulations necessary to carry  
26 out its duties under this chapter.

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

29          ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

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

- 1 (1) applies on a form provided by the board;
- 2 (2) pays the fee established under AS 08.01.065;
- 3 (3) furnishes evidence satisfactory to the board that the person
- 4 (A) has not engaged in conduct that is a ground for imposing disciplinary
- 5 sanctions under AS 08.63.210;
- 6 (B) holds a master's degree or doctorate in marital and family therapy or
- 7 allied mental health field from a regionally accredited educational institution approved by
- 8 the board for which the person completed a course of study that included instruction
- 9 substantially equivalent to the following:
- 10 (i) three courses or nine semester or 12 quarter hours of course
- 11 work in marital and family therapy;
- 12 (ii) three courses or nine semester or 12 quarter hours of course
- 13 work in marital and family studies;
- 14 (iii) three courses or nine semester or 12 quarter hours of course
- 15 work in human development;
- 16 (iv) one course or three semester or four quarter hours of course
- 17 work in professional studies or professional ethics and law;
- 18 (v) one course or three semester or four quarter hours of course
- 19 work in research; and
- 20 (vi) one year of supervised clinical practice in marital and family
- 21 therapy;
- 22 (C) after receiving a degree described in (B) of this paragraph, has
- 23 (i) practiced marital and family therapy within three years of the
- 24 person's application, including 1,500 hours of direct clinical contact with couples
- 25 and families; and
- 26 (ii) been supervised in the clinical contact for at least 200 hours,
- 27 including 100 hours of individual supervision and 100 hours of group supervision
- 28 approved by the board;
- 29 (D) has received training related to domestic violence; and
- 30 (E) has passed a written or oral examination administered by the board.
- 31 (b) Under regulations adopted by the board, a person who holds a master's or doctorate

1 degree in marital and family therapy or allied mental health field from a regionally accredited  
2 educational institution approved by the board, but whose course of degree study did not include  
3 all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute  
4 post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B)  
5 of this section.

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

8 (d) A license issued under this section shall be renewed biennially by the applicant on  
9 a date set by the department and approved by the board. It shall be renewed by payment of the  
10 fee established under AS 08.01.065 and by satisfaction of the continuing education requirements  
11 established by the board for the renewal of licenses issued under this section.

12 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board shall issue  
13 a four-year license for the supervised practice of marital and family therapy to a person who  
14 meets the requirements of AS 08.63.100(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 by the board under  
17 AS 08.63.120; and

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

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

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

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

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

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

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

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

31 (2) be licensed under this chapter; and

1 (3) meet the minimum standards established by the board for approved  
2 supervisors.

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

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

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

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

15 (1) is licensed or certified for the practice of marital and family therapy in another  
16 state that has requirements for the license or certificate that are substantially equal to or greater  
17 than the requirements of this state; and

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

19 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

1 (b) Notwithstanding (a) of this section, a person licensed under this chapter shall report  
2 incidents of

3 (1) child abuse or neglect as required by AS 47.17;

4 (2) harm or assaults suffered by an elderly person or disabled adult as required  
5 by AS 47.24.

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

8 Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

9 After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person  
10 licensed under this chapter when the board finds that the person

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

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

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

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

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

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

20 (A) professional incompetence;

21 (B) addiction or severe dependency on alcohol or another drug that impairs  
22 the person's ability to practice safely;

23 (7) engaged in unethical conduct in connection with the delivery of professional  
24 services to clients.

25 Sec. 08.63.220. LICENSE REQUIRED IF DESIGNATION USED. A person who is not  
26 licensed under this chapter or whose license is suspended or revoked, or whose license has  
27 lapsed, who knowingly uses in connection with the person's name the words or letters  
28 "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and  
29 Family Counselor," or other letters, words, or insignia indicating or implying that the person is  
30 licensed as a marital and family therapist by this state or who in any way, orally or in writing,  
31 directly or by implication, knowingly holds out as being licensed by the state as a marital and

1 family therapist in this state is guilty of a class B misdemeanor.

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

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

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

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

10 (4) "department" means the Department of Commerce and Economic  
11 Development;

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

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

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

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

26 \* Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

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

28 \* Sec. 4. AS 08.02.010(a) is amended to read:

29 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11,  
30 a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a  
31 marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath

1 under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered  
2 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.-  
3 84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use  
4 as professional identification appropriate letters or a title after that person's name which repre-  
5 sents that person's specific field of practice. The letters or title shall appear on all signs,  
6 stationery, or other advertising in which the person offers or displays personal professional  
7 services to the public. In addition, a person engaged in the practice of medicine or osteopathy  
8 under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,  
9 tests, or counsels other persons in relation to human health or disease and uses the letters "M.D."  
10 or the title "doctor" or "physician" or another title that tends to show that the person is willing  
11 or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by  
12 adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist",  
13 "audiologist", "naturopath", or the like.

14 \* Sec. 5. AS 08.03.010(c)(10) is amended to read:

15 (10) Board of Psychologist and Psychological Associate Examiners  
16 (AS 08.86.010) - June 30, 1993 [1991];

17 \* Sec. 6. AS 08.03.010(c) is amended by adding a new paragraph to read:

18 (23) Board of Marital and Family Therapy (AS 08.63.010) -- June 30, 1993.

19 \* Sec. 7. AS 08.86.162 is amended to read:

20 Sec. 08.86.162. ASSOCIATES: QUALIFICATION FOR EXAMINATION. A person  
21 is entitled to take a psychological associate examination if the board finds that the person:

22 (1) has not engaged in dishonorable conduct related to the practice of counseling  
23 or psychometry;

24 (2) holds a master's degree with primary emphasis on psychology from an  
25 academic institution whose program of graduate study for a master's degree in psychology meets  
26 the criteria established by the board by regulation, with the equivalent of at least 48 [24] semester  
27 credit hours of graduate course work directly related to a specialized area of psychology in which  
28 licensure is requested, including a practicum;

29 (3) has at least three years' supervised experience after obtaining a master's  
30 degree; in this paragraph, "supervised experience" means the equivalent of at least one hour a  
31 week of personal interview with a supervisor whose educational qualifications are consistent with

1 the level of activity being supervised;

2 (4) has the recommendation of an immediate supervisor if a licensed psychologist,  
3 or two licensed psychologists who hold doctoral degrees; and

4 (5) has not within the preceding six months failed an examination given by the  
5 board.

6 \* Sec. 8. AS 44.62.330(a) is amended by adding a new paragraph to read:

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

8 \* Sec. 9. AS 47.17.290(13) is amended to read:

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

16 \* Sec. 10. AS 47.24.010(a) is amended to read:

17 (a) The following persons who, in the performance of their professional duties, have  
18 reasonable cause to believe that an elderly person has suffered harm shall, not later than 24 hours  
19 after first having cause for the belief, report the harm to the Department of Health and Social  
20 Services:

21 (1) a physician or other licensed health care provider;

22 (2) a mental health professional as defined in AS 47.30.915(11) and including  
23 a marital and family therapist licensed under AS 08.63;

24 (3) a pharmacist;

25 (4) an administrator of a nursing home, residential care or health care facility;

26 (5) a guardian or conservator;

27 (6) a police officer;

28 (7) a village public safety officer;

29 (8) a village health aide;

30 (9) a social worker;

31 (10) a member of the clergy;

- 1 (11) a staff employee of a project funded by the Older Alaskans Commission;  
2 (12) an employee of a homemaker program or home health aide program;  
3 (13) an emergency medical technician or a paramedic in the mobile intensive care  
4 program.

5 \* Sec. 11. AS 47.24.110(a) is amended to read:

6 (a) The following persons who, in the performance of their professional duties, have  
7 reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 -  
8 11.41.230 or sexual assault under AS 11.41.410 - 11.41.420, and that the disabled adult is unable  
9 to report the crime, shall promptly report the crime to the nearest law enforcement agency:

- 10 (1) a physician or other licensed health care provider;  
11 (2) a mental health professional as defined in AS 47.30.915 and including a  
12 marital and family therapist licensed under AS 08.63;  
13 (3) a pharmacist;  
14 (4) an administrator or employee of a nursing home, residential care, or health  
15 care facility;  
16 (5) a caretaker of the disabled adult;  
17 (6) a guardian or conservator of the disabled adult;  
18 (7) a police officer as defined in AS 18.65.290;  
19 (8) a village public safety officer;  
20 (9) a village health aide;  
21 (10) a social worker;  
22 (11) a member of the clergy;  
23 (12) a staff employee of a program or project serving disabled adults;  
24 (13) a licensed foster care provider;  
25 (14) a paid employee of a domestic violence and sexual assault program or a  
26 crisis intervention and prevention program as defined in AS 18.66.900;  
27 (15) an employee of a homemaker program or home health aide program;  
28 (16) an emergency medical technician or paramedic in the mobile intensive care  
29 program.

30 \* Sec. 12. Alaska Rule of Evidence 504(a) is amended to read:

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

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

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

5 (3) A psychotherapist is (A) a person authorized to practice medicine in any state  
6 or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or  
7 treatment of a mental or emotional condition, including alcohol or drug addiction, [OR] (B) a  
8 person licensed or certified as a psychologist or psychological examiner under the laws of any  
9 state or nation or reasonably believed by the patient to so be, while similarly engaged, or (C) a  
10 person licensed as a marital or family therapist under the laws of a state or nation or  
11 reasonably believed by the patient to so be, while similarly engaged.

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

17 \* Sec. 13. INITIAL APPOINTMENTS. (a) In making the initial appointments of professional  
18 members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for  
19 the purpose of AS 08.63.010, added by sec. 2 of this Act, if the person would be entitled to a license  
20 under sec. 12 of this Act. The Board of Marital and Family Therapy shall issue a license to practice  
21 marital and family therapy to the professional members appointed under this section.

22 (b) A license issued under this section is subject to the same renewal requirements as a license  
23 issued under AS 08.63.100, added by sec. 2 of this Act.

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

25 \* Sec. 14. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100, added by sec. 2 of  
26 this Act, the Board of Marital and Family Therapy shall issue a license to practice marital and family  
27 therapy to a person who

28 (1) applies for a license before July 1, 1993;

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

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

31 in

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

5           (b) A license under this section is subject to the same renewal requirements as a license issued  
6 under AS 08.63.100, added by sec. 2 of this Act.

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

11   \* Sec. 15. AS 44.66.050(e) does not apply to this Act.

12   \* Sec. 16. Sections 5, 7, and 15 of this Act take effect immediately under AS 01.10.070(c).