

SENATE CS FOR 2d CS FOR HOUSE BILL NO. 18 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/8/92
Referred: Finance

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

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 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 only remove
2 a 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) ensure that licensees are aware of the requirements of AS 47.17.020;

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

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

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

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

21 **ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.**

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

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

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

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

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

29 (B) holds a master's degree or doctorate in marital and family therapy or
30 allied mental health field from a regionally accredited educational institution approved by
31 the board for which the person completed a course of study that included instruction

- 1 substantially equivalent to the following:
- 2 (i) three courses or nine semester or 12 quarter hours of course
3 work in marital and family therapy;
- 4 (ii) three courses or nine semester or 12 quarter hours of course
5 work in marital and family studies;
- 6 (iii) three courses or nine semester or 12 quarter hours of course
7 work in human development;
- 8 (iv) one course or three semester or four quarter hours of course
9 work in professional studies or professional ethics and law;
- 10 (v) one course or three semester or four quarter hours of course
11 work in research; and
- 12 (vi) one year of supervised clinical practice in marital and family
13 therapy;
- 14 (C) after receiving a degree described in (B) of this paragraph, has
- 15 (i) practiced marital and family therapy within three years of the
16 person's application, including 1,500 hours of direct clinical contact with couples
17 and families; and
- 18 (ii) been supervised in the clinical contact for at least 200 hours,
19 including 100 hours of individual supervision and 100 hours of group supervision
20 approved by the board;
- 21 (D) has received training related to domestic violence; and
- 22 (E) has passed a written or oral examination administered by the board.
- 23 (b) Under regulations adopted by the board, a person who holds a master's or doctorate
24 degree in marital and family therapy or allied mental health field from a regionally accredited
25 educational institution approved by the board, but whose course of degree study did not include
26 all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute
27 post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B)
28 of this section.
- 29 (c) An applicant who fails an examination given under this section may not retake the
30 examination for a period of six months from the date of the examination that the applicant failed.
- 31 (d) A license issued under this section shall be renewed biennially by the applicant on

1 a date set by the department and approved by the board. It shall be renewed by payment of the
2 fee established under AS 08.01.065 and by satisfaction of the continuing education requirements
3 established by the board for the renewal of licenses issued under this section.

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

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

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

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

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

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

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

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

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

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

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

23 (2) be licensed under this chapter; and

24 (3) meet the minimum standards established by the board for approved
25 supervisors.

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

31 (b) A person may practice under a temporary license until the board issues the results

1 of the first marital and family therapy examination given after issuance of the person's temporary
2 license and either issues or denies a license under AS 08.63.100 to the person.

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

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

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

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

11 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (A) professional incompetence;

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

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

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

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

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

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

31 (3) "course" means a class of at least three credit hours in a graduate program at

1 an accredited educational institution or an institution approved by the board;

2 (4) "department" means the Department of Commerce and Economic
3 Development;

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

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

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

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

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

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

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

21 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11,
22 a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a
23 marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath
24 under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered
25 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.-
26 84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use
27 as professional identification appropriate letters or a title after that person's name which repre-
28 sents that person's specific field of practice. The letters or title shall appear on all signs,
29 stationery, or other advertising in which the person offers or displays personal professional
30 services to the public. In addition, a person engaged in the practice of medicine or osteopathy
31 under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,

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

6 * Sec. 4. AS 08.03.010(c)(8) is amended to read:

7 (8) Board of Clinical Social Work Examiners (AS 08.95.010) - June 30, 1995
8 [1992];

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

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

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

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

14 * Sec. 7. AS 08.06.040 is amended to read:

15 Sec. 08.06.040. RENEWAL OF LICENSE. The department may not renew a license
16 under this chapter unless the applicant

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

19 (2) SUBMITS PROOF THAT THE APPLICANT MAINTAINS
20 CERTIFICATION BY THE NATIONAL COUNCIL FOR THE CERTIFICATION OF
21 ACUPUNCTURISTS AS A DIPLOMATE OF ACUPUNCTURE].

22 * Sec. 8. AS 08.48 is amended by adding a new section to read:

23 Sec. 08.48.295. CIVIL PENALTY FOR UNREGISTERED OR UNAUTHORIZED
24 PRACTICE. (a) In addition to any other provision of law, if a person practices or offers to
25 practice architecture, engineering, or land surveying in the state without being registered or
26 authorized to practice in accordance with the provisions of this chapter, the board may enter an
27 order levying a civil penalty.

28 (b) A civil penalty levied under this section may not exceed \$5,000 for each offense.
29 In levying a civil penalty, the board shall set the amount of the penalty imposed under this
30 section after taking into account appropriate factors, including the seriousness of the violation,
31 the economic benefit resulting from the violation, the history of violations, and other matters the

1 board considers appropriate.

2 (c) Before issuing an order under this section, the board shall provide the person written
3 notice and the opportunity to request, within 30 days of issuance of notice by the board, a
4 hearing on the record.

5 (d) In connection with proceedings under (a) and (b) of this section, the board may issue
6 subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence,
7 and may request the attorney general to bring an action to enforce a subpoena.

8 (e) A person aggrieved by the levy of a civil penalty under this section may file an
9 appeal with the superior court for judicial review of the penalty under AS 44.62.560.

10 (f) If a person fails to pay a civil penalty within 30 days after entry of an order under
11 (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court
12 enters a final judgment in favor of the board of an order appealed under (e) of this section, the
13 board shall notify the attorney general. The attorney general may commence a civil action to
14 recover the amount of the penalty.

15 (g) An action to enforce an order under this section may be combined with an action for
16 an injunction under AS 08.48.131.

17 * Sec. 9. AS 08.86.162 is amended to read:

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

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

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

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

31 (4) has the recommendation of an immediate supervisor if a licensed psychologist,

1 or two licensed psychologists who hold doctoral degrees; and

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

4 * Sec. 10. AS 44.62.330(a) is amended by adding a new paragraph to read:

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

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

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

14 * Sec. 12. AS 47.24.010(a) is amended to read:

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

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

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

22 (3) a pharmacist;

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

24 (5) a guardian or conservator;

25 (6) a police officer;

26 (7) a village public safety officer;

27 (8) a village health aide;

28 (9) a social worker;

29 (10) a member of the clergy;

30 (11) a staff employee of a project funded by the Older Alaskans Commission;

31 (12) an employee of a homemaker program or home health aide program;

1 (13) an emergency medical technician or a paramedic in the mobile intensive care
2 program.

3 * Sec. 13. AS 47.24.110(a) is amended to read:

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

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

9 (2) a mental health professional as defined in AS 47.30.915 and including a
10 marital and family therapist licensed under AS 08.63:

11 (3) a pharmacist;

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

14 (5) a caretaker of the disabled adult;

15 (6) a guardian or conservator of the disabled adult;

16 (7) a police officer as defined in AS 18.65.290;

17 (8) a village public safety officer;

18 (9) a village health aide;

19 (10) a social worker;

20 (11) a member of the clergy;

21 (12) a staff employee of a program or project serving disabled adults;

22 (13) a licensed foster care provider;

23 (14) a paid employee of a domestic violence and sexual assault program or a
24 crisis intervention and prevention program as defined in AS 18.66.900;

25 (15) an employee of a homemaker program or home health aide program;

26 (16) an emergency medical technician or paramedic in the mobile intensive care
27 program.

28 * Sec. 14. Alaska Rule of Evidence 504(a) is amended to read:

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

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

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

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

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

15 * Sec. 15. INITIAL APPOINTMENTS. (a) In making the initial appointments of professional
16 members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for
17 the purpose of AS 08.63.010, added by sec. 1 of this Act, if the person would be entitled to a license
18 under sec. 14 of this Act. The Board of Marital and Family Therapy shall issue a license to practice
19 marital and family therapy to the professional members appointed under this section.

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

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

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

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

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

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

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

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

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

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

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

9 * Sec. 17. AS 44.66.050(e) does not apply to this Act.

10 * Sec. 18. Sections 4, 6, 7, 8, and 17 of this Act take effect immediately under AS 01.10.070(c).