

CS FOR SENATE BILL NO. 40 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/27/91
Referred: Finance

Sponsor(s): SENATORS PEARCE, Menard

A BILL

FOR AN ACT ENTITLED

1 "An Act regulating the practice of marital and family therapy and amending Alaska Rule
2 of Evidence 504(a)(3)."

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) 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) three courses or nine semester or 12 quarter hours of course
2 work in marital and family therapy;

3 (ii) three courses or nine semester or 12 quarter hours of course
4 work in marital and family studies;

5 (iii) three courses or nine semester or 12 quarter hours of course
6 work in human development;

7 (iv) one course or three semester or four quarter hours of course
8 work in professional studies or professional ethics and law;

9 (v) one course or three semester or four quarter hours of course
10 work in research; and

11 (vi) one year of supervised clinical practice in marital and family
12 therapy;

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

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

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

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

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

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

29 (d) A license issued under this section shall be renewed biennially by the applicant on
30 a date set by the department and approved by the board. It shall be renewed by payment of the
31 fee established under AS 08.01.065 and by satisfaction of the continuing education requirements

1 established by the board for the renewal of licenses issued under this section.

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

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

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

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

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

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

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

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

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

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

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

21 (2) be licensed under this chapter; and

22 (3) meet the minimum standards established by the board for approved
23 supervisors.

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

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

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

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

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

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

9 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

- 1 (3) advertised professional services in a false or misleading manner;
2 (4) has been convicted of a felony or of another crime that affects the person's
3 ability to practice competently and safely;
4 (5) failed to comply with a provision of this chapter or a regulation adopted under
5 this chapter, or an order of the board;
6 (6) continued to practice after becoming unfit due to
7 (A) professional incompetence;
8 (B) addiction or severe dependency on alcohol or another drug that impairs
9 the person's ability to practice safely;
10 (7) engaged in unethical conduct in connection with the delivery of professional
11 services to clients.

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

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

- 21 (1) "advertise" includes issuing or causing to be distributed a card, sign or device
22 to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure,
23 or in a newspaper, magazine, or directory, or on radio or television, or using other means
24 designed to secure public attention;
25 (2) "board" means the Board of Marital and Family Therapy;
26 (3) "course" means a class of at least three credit hours in a graduate program at
27 an accredited educational institution or an institution approved by the board;
28 (4) "department" means the Department of Commerce and Economic
29 Development;
30 (5) "practice of marital and family therapy" means the diagnosis and treatment
31 of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for

1 marital and family therapy, whether cognitive, affective, or behavioral, within the context of
2 human relationships, particularly marital and family systems; marital and family therapy involves

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

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

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

13 * Sec. 2. AS 08.01.C10 is amended by adding a new paragraph to read:

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

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

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

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

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

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

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

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

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

13 * Sec. 7. Alaska Rule of Evidence 504(a) is amended to read:

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

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

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

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

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

31 * Sec. 8. INITIAL APPOINTMENTS. (a) In making the initial appointments of professional

1 members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for
2 the purpose of AS 08.63.010, added by sec. 1 of this Act, if the person would be entitled to a license
3 under sec. 9 of this Act. The Board of Marital and Family Therapy shall issue a license to practice
4 marital and family therapy to the professional members appointed under this section.

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

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

8 * **Sec. 9. TRANSITIONAL LICENSING.** (a) Notwithstanding AS 08.63.100, added by sec. 1 of
9 this Act, the Board of Marital and Family Therapy shall issue a license to practice marital and family
10 therapy to a person who

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

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

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

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

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

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

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

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