

HB

772



Alaska State Legislature

House

JUNEAU ALASKA

COMMITTEE MEETING HOUSE HESS

MARCH 26, 1976

Present: Sullivan Ostrosky
Parr Beirne Osterback

Testifying:
Elizabeth Shaw, NASW
Janis Price, NASW
Sister Andrea

HCR 111 - Boundary Change in Health Service Area - Rules

Sister Andrea - opposed to the bill- wants three HSA

Renninger, Dept. H&SS, also supports three HSA conceptually and fiscally

Bill not moved on,

HB 367 -Social Workers Licensing - Beirne

Beirne spoke on revised version of the bill, revised with assistance of Sharon Andrews, director of licensing. Went over provisions of the bill with committee. Some changes made on the draft.

Mr. Price, Dept. H&SS, discussed minor points of bill. Stated that the bill requires all new employees to have MSW or change their title or requirements of certain jobs to hire people. Dept. does not have to fire any S.W. who are employed now or don't have MSW.

Discussion around fiscal implications of all these new licensing bills. Probably will add one more full time person to the licensing division.

Motion passed for individual recommendations on the work draft copy to be a Committee Substitute.

HB 744 - Freedom of choice, medical procedures - Beirne

Mr. Heidersdorf, representing Alaskans for Life, not for the entire concept of the bill, feels there are some problems with it.

Committee discussion regarding suicide, also liability regarding disconnecting life sustaining measures, example Quinlan case.

Heidersdorf feels that people have the right to make this decision, but not 20 or 30 years before, people might change their ideas and minds. Also definition of extraordinary means, might change

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Beirne would like a chance to rework the bottom of p. 1, severe distress, etc. too difficult til revoke now. Will let Pat Rodey and Clark Grueing look at the proposed chances.

Committee points out various areas of concern for Helen to take a look at. P. 1. line 19, how about renewal every five years
P. 3 line 27, need rewording, more specific
Alvin suggests time frame, 1 year or so till individual can have a chance to recover.

Hold till middle or end of nexy week, when Helen has it reworked.

HB 772 - Licensure of counselors - HESS

Tabled - dead

SB 554 - Licensing of Phy. & Osteopaths - Croft

Beirne - Croft wanted to work this over with others, make amendments, Helen feels there wasn't enough time, want to make 1 change now
Line 20, Add "the Department shall employ"
Delete "The board shall employ"

Amendments passed

This bill belongs in malpractice, wants it to go to Jud. Recommend it is included in Malpractice package.

Bill - passed

HB 392 - Rehabilitation Counselor - Beirne

Beirne, explanation of bill and discussion
proposed amendment - decided to make a committee substitute of this bill, see draft. Also all reference to counselors should read Vocational Rehabilitation counselor

Delete line 4 - 11 page 4

Helen moved to have this bill moved out.
as a committee substitute

HB 635 - Licensing of Speech Pathologists & Audiologists - Gov.

Beirne, alot of fraud by people coming into Ak. and selling hearing aids and then leaving state.

Committee went over work draft and made changes, P.2, line 25 delete "practice speech path. or audio". line 27, 28 & 29 P4 delete, P. 5 line 1 thru 19 delete. P. 5 line 19, change "social worker" to Speech pathologist & audiologist

Committee recommends Committee Substitute move out, individual recommendations passed out.



JUNEAU ALASKA

Alaska State Legislature

House

HOUSE HESS COMMITTEE MEETING

MAR 1, 1976

Present: Davis Beirne Osterback-Chairing
 Hackney Swanson

Testifying: Sharon Andrews, Director, division of licsneing
 John Jensen, representing himself
 Harvey Pitts,

HB 772 Licensure of Counselors - HESS

Sharon Andrews, supports concept of relicensing standards, opposed to broadening areas covered by licensing

John Jensen - concerned that the statute as it presently reads, would prohibit him from advertising services as a counselor.

Committee felt that the statute would not do this and that it did not say this..

SB 554 Licensing of Phy. and Osteopaths - Croft

Sharon Andrew, Dept. supports the concept, but would like this bill to be considered with the entire malpractice package.

Sub committee of Helen Beirne appointed to look into all of the licensure bills, especially HB 772

113772

Testimony by
Harvey Pitts
P.O. Box 2613
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Many professionals work in the area of psychotherapy. Among these are psychiatrists, psychologists, so called "psychological associates" and social workers. Each of these professionals adhere to a rather strict code of personal ethics and each realizes, or at least should realize, any personal limitation with regard to his own expertise. The psychiatrist for example is also a medical doctor. As such he can prescribe drugs which have proven effective with some people. The psychologist is a highly skilled person trained in various manners of psychotherapeutic techniques proven beneficial to those in need. The psychological associate is also a highly skilled person who, like the psychologist, is trained in the various manners of psychotherapy beneficial to those in need. The social worker, however, has a much less specialized background in psychology, is oriented somewhat more toward client advocacy, and therefore merits a license within his own particular field of expertise rather than psychology.

The remainder of my comments are directed toward House Bill Number 772, which you are considering, which is entitled "An Act relating to licensure of counselors."

Section 1. AS 08.86.010 is amended to include and counselor to those professionals licensed by the Board of Psychologist and Psychological Examiners.

Currently the board consists of three licensed psychologists. I urge an amendment to change the boards membership to include one licensed Psychological Associate. This would serve to provide a peer advocate for psychological associates and certainly would not detract from the boards professional make-up.

I recommend Section 08.86.010 be amended to read:

Section 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is created a Board of Psychologist, (and) Psychological Associate and Counselor Examiners. It consists of (three) two licensed psychologists and one licensed psychological associate.

Section 2. AS 08.86.070 (3) is amended to include counselors under professional conduct ethics. I recommend approval as submitted.

Section 3. AS 08.86.130 (2) is amended to allow those professionals who hold a Master's degree in social work or counseling with three years of experience acceptable to the board to be licensed as a psychologist.

While I agree that the Master's degree is in many instances the "professional level" degree, I simply cannot agree that

a social worker should be licensed as a psychologist. The "social worker" and "psychologist" are recognized as two different and distinct fields of endeavor among those of us in the helping professions. The social worker has his own professional organization and he should be licensed accordingly. Certainly he should be licensed and clothed with confidentiality to assure his own professional ethics and protection of clientele, but I do not feel he should be licensed as a psychologist.

I do strongly urge the committee to amend AS 08.86.130 (2) to allow those professionals who hold a Master's degree in clinical or counseling psychology to be licensed as psychologists if they have completed two years of graduate study leading to the Master's degree and if they have demonstrated competence by a year of experience or an academic year of practicum under a licensed psychologist. My reasons are threefold:

1. The Master's degree from a two year program such as that of the University of Alaska's program leading to the Master of Science in Counseling Psychology is considered a professional level degree. This certainly should merit statutory recognition by allowing for licensure to practice psychology.
2. The degree programs which are considered as professional level and terminal on the Master's level usually require an academic year or more of practicum. Under close supervision of a University staff clinician who is also a licensed psychologist, the advanced graduate student is placed in an agency where he for all intent and purposes practices psychology. During this period the student is closely observed and he may be rejected should his performance fail to meet predetermined rigorous standards. During this period the student must demonstrate competence not only to his clinician supervisor but two additional clinicians must also rate and approve his performance in at least one actual videotaped client session. It seems to me that this should be sufficient to demonstrate competence to practice psychology in the State of Alaska.
3. One of the most obvious things which are apparent to those of us who either live or travel extensively in the rural areas of Alaska, is the lack of access to professionals whenever a problem arises. This in itself compounds many bad situations and certainly helps none. An example of this which readily comes to mind is the severe problem with alcoholism in Barrow which leads to family breakup and all too often to child abuse or neglect. Licensing more individuals would lend itself to improvement not only in rural but in urban areas as well. With the possible exception of Anchorage, I feel all areas of the State as well as the State government itself lacks sufficient numbers of trained professionals who are competent and licensed to practice their professions.

I therefore recommend that AS 08.86.130 (2) be amended to read:

- (2) he holds a doctoral degree with primary emphasis on psychology from an accredited school or has a Master's degree in clinical psychology or counseling psychology with one year of experience as a licensed Psychological Associate or whose academic preparation required a minimum of two academic semesters of practicum supervised by a licensed psychologist.

In line with my above recommendation, I feel some clarification is needed to prevent abuse by the board of examination privileges granted by Section 08.86.120 Entitlement to Licensure. Subjective determination and concomitant feelings elicited therefrom certainly have a place in psychotherapy. However, their place is in therapy which is on-going in nature and all too often lead to unsupportable and untenable positions when done hastily. This could prove disastrous to individuals who become the victims of subjective determination. We all have our good days as well as our bad days and subjective determination refuses us to realize this. For this reason I feel the following amendment should be made:

Section 08.86.120 Entitlement to Licensure. A person who passes the Written examination given by the board is entitled to be licensed as a psychologist.

Section 4 AS 08.86.150 (1) should be amended to read in accordance with my recommendations for AS 08.86.130 (2) since it provides for recognition of an out-of-state license holder's exclusion from examination.

Section 08.86.160 should be amended for the same reason given above for amending Section 08.86.120. I suggest it be amended to read:

Section 08.86.160. Associates. Entitlement to Licensure. A person who passes the written examination given by the board is entitled to be licensed as a psychological associate.

Section 08.86.162 set qualification required of Associates which are far too stringent to be practicable and are financially such a burden that almost noone will ever qualify. For example, paragraph (3) requires three years of experience during the past ten years, two of which are in Alaska, and includes a years postgraduate supervised experience acceptable to the board. How will experience be gained if no license can be granted? Paragraph (4) requires the supervisor's recommendation if a licensed psychologist or of two licensed psychologists who hold doctoral degrees. Since I am more familiar with myself than anyone else, let me use myself as an example:

I am 37 years old, have a Master of Science in Counseling Psychology degree, I'm married and have two children. During the past two years, I have taught on a part-time basis with three community colleges as well as for the Anchorage Senior College. I have taught a graduate level

course "Psychology 628, Analysis of the Individual" for the Anchorage Senior College on the Mat-Su campus and have been asked to teach the course at Juneau. Other courses I've taught are: Human Relations, Child Development, Adolescent Psychology and Introduction to Experimental Psychology. I also student taught Psychology 621 Learning, Motivation and Emotions while in graduate school. I am employed as Child Care Programs Coordinator within the Department of Community and Regional Affairs. I do not under the current criteria qualify for licensure as a psychological associate even though I'm recognized by both the University of Alaska and the State government as a competent professional. Certainly if a social worker with a Master's degree with only about forty (40) semester hours of formal training in psychology as compared with my 84 semester hours of formal training in psychology can be licensed to practice psychotherapy, I should likewise be recognized and entitled to licensure. I therefore strongly urge that paragraphs (3) and (4) be deleted from Section 08.86.162.

I recommend the passage of recommended amendments included in Article 38 having to do with counselors.

RATIONALE FOR AMENDMENT TO CHAPTER 86

Return to
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The basis for this amendment is a very simple idea: that the capacities in a person which make him capable of giving psychological help to another are widespread in the general population and are not confined to those with advanced training.

This point is amply demonstrated in the research referred to in the attached articles. See especially Robert J. Carkhuff's article "Differential Functioning of Lay and Professional Helpers." Carkhuff is especially worth noting here because he has probably done more research about co_nseling than anyone else in the country. I would like to point out two factors involved:

1. Effectiveness of a counselor is predominantly a result of the kind of person he or she is, how "human," able to "relate," able to "empathize." It is just such realistic human relationship that partially accounts for the success of Alcoholics Anonymous, Gamblers Anonymous, Neurotics Anonymous-- as Arbuckle points out in the article summary attached.
2. Effectiveness of a counselor is, in addition, related to counselor use of certain techniques, ways of seeing, ways of relating that can be learned. From Carkhuff's article, it appears that ~~there is no guarantee that training beyond a certain point increases them.~~ there is no guarantee that training beyond a certain point increases them.

The conditions in Alaska appear to warrant careful consideration of the limiting aspects of the law, namely:

1. A population widely dispersed, unable to travel to counseling, and unable in a small area to support the kind of highly paid professional who can be supported in Anchorage, let us say.
2. A population with nearly the ultimate extremes in income level. The present law simply insures that private counseling services shall not be purchasable by a significant number of Alaskans.
3. No adequate system of state mental health centers exists.
4. Even if the ^{STATE} did, no single counselor is likely to be able to help every kind of person or problem who comes in. Some people just don't "hit it off" for reasons difficult to understand; Alaska's cultural diversity exacerbates this problem. An Eskimo, other things equal, will help another Eskimo better.
5. But even in Alaska's outlying areas, there frequently are people who do have the minimum qualifications necessary to be a highly effective counselor: they "relate" well to others intuitively. Many of these also have advanced education--teacher families, various kinds of governmental employees-- who have Masters degrees and even Ph.d.s in other fields and an ability to learn "on the job;" and a sense of how to help people.
6. The effect of this law, as I foresee it, would be to make available to all Alaskans a variety of counseling services at a variety of prices. I doubt that the \$45/hour top professional would lose much business, simply because some clients want that just as they want Cadillacs instead of Vw's. There would be most likely an increase in people doing counseling as a sideline-- handling two or three clients in their own homes and giving them maximum attention and caring; a situation far more likely to improve the client.
7. I can see no defensible reason for the exclusivity of the present law.

The law could succeed, obviously, only if the Board were in full agreement with the intent of the law: to make counseling services available to all Alaskans at prices "the poor" can pay.

The goal of counseling is some kind of change in the client. He may gauge it by his changed feelings, but outward behavior is perhaps a better measure, since he may feel good about destructive behavior. Accuracy in measuring counseling effectiveness is debated.

Therefore, a better approach may be to have innovative practice and inquiry into it, constantly moving toward the new and valuable. No more physics style research.

The self-actualized man: "Much of behavior is the product of conditioning, and possibly the mark of a self-actualized man is the degree to which he has modified his behavior which has irrational tendencies because of his conditioning."

In this light, counseling may be looked at as counter-conditioning.

Alcoholics Anonymous and Neurotics Anonymous have helped some whom professional therapists could not help. Is "back fence" therapy as good? Quotes Carkhuff: "Nevertheless, the overwhelming preponderance of systematic evidence available today indicates that primary conditions of effective treatment are conditions which minimally trained non-professional persons can provide. The conditions are not the monopoly of doctoral training and there is strong reason to believe that they are often not achieved in doctoral training."

No counselor will be most effective with all patients; any counselor will be effective with some.

"The evidence would at least seem to imply that it is the humanness, the very person of the counselor, that is the critical factor in the counseling relationship."

Van Kaam says that in training counselors, they should learn about the pluralistic society and cultural, subcultural and religious realities in the client's lives, and must have sufficient therapeutic sessions to work through their own unconscious hostilities and defensive misunderstandings of cultures not our own.

GOAL of training counselors, therefore, should be to make them more human. Before accepting them for training, we should first find out if they are effective as counselors. We don't want a more knowledgeable and trained technician.

Journal of Counseling Psychology } DIFFERENTIAL FUNCTIONING OF LAY ~~PK~~ AND PROFESSIONAL HELPERS. Robt. R. Carkhuff, J.C.P., Vol 15 p. 117-126.

Since there is a disagreement on lay helpers, let the results speak for themselves: (1) Extensive evidence indicates that 20 hours to 1 year training is very helpful. (2) There is little evidence to show constructive changes are due to long training. (3) Lay trainees change most on those things that help the client most, and engage clients at as high a level of effectiveness as do professionals.

These results: (1) Are the same for all types of mentally or emotionally disturbed people. (2) Professional guidance programs have not yet demonstrated their benefit to the client, though it can be perhaps inferred. (3) But lay persons' benefit to clients also is at least as high as professionals, and ~~never~~ never less.

Prospective professional trainees sometimes function at lower levels of effectiveness after training. Why? Evidently because preoccupied with their status, position, etc. (vs.) the layman must always use a direct, honest, humble and concerned approach. Some higher intellectual indices point toward lower results! ~~YMM~~, The training level depends mainly on the trainer level, just as

counselee level depends on counselor. This may mean, however, that graduate schools are sometimes deleterious to counseling effectiveness.

Training programs for laymen, however, generally center on two things: first, sensitivity to the individual (empathy, etc.), and secondly, a change in the trainee's personality and attitudes which might injure the help he is to give. Professional programs, on the other hand, are complex and "self-neutralizing." Some professionals seem always to function at lower levels after grad school. Grad training develops discriminators rather than communicators. Non-professionals help people to help people: there is fuller involvement, less certainty, more humility. They can enter the milieu of the distressed person, establish peer relationships, and can teach successful actions better and help people through transitions.

COMMENTS ON "DIFFERENTIAL FUNCTIONING OF LAY AND PROFESSIONAL HELPERS," by Lyle D. Schmidt, Vol. 15, No. 2, p. 127-129.

Schmidt basically does not contest the findings of Carkhuff. However: he feels that the conclusions were too broad sometimes, and too great a polarization was indicated. He points to the attempts to professionalize the job of counselor. On the other hand, Carkhuff and others tried to debunk professionalization. Secondly, a reason for this professionalism is that the society has turned to mass production. Technology has given us this approach.

Thirdly, specialization is the method.

Schmidt verifies Carkhuff from this approach, at least: that there is a growing and already overwhelming need for counselors. The need is for a "crash program", and there is no time to prepare people professionally.

Those who have wisdom must share it. "Massive help giving can be productivity in search of a criterion."

Joe Mathers
1657

1 IN THE HOUSE

(BY MILLER BY REQUEST)

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensure of counselors."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 08.86.010 is amended to read:

9 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is
10 created a Board of Psychologist, [AND] Psychological Associate and
11 Counselor Examiners. It consists of three licensed psychologists.

12 * Sec. 2. AS 08.86.070(3) is amended to read:

13 (3) after hearing, suspend or revoke the license of a licensed
14 psychologist, [OR] psychological associate or counselor who violates
15 a regulation of the board;

16 * Sec. 3. AS 08.86.130(2) is amended to read:

17 (2) holds a doctoral degree with primary emphasis on psychology
18 from an accredited school or has a master's degree in counseling or
19 social work, ^{or psychology} with three years of experience acceptable to the board;

20 * Sec. 4. AS 08.86.150(1) is amended to read:

21 (1) he holds a doctoral degree with primary emphasis on
22 psychology from an accredited school or has a master's degree in
23 counseling or social work, with three years of experience acceptable
24 to the board;

25 * Sec. 5. AS 08.86 is amended by adding new sections to read:

26 ARTICLE 3B. LICENSING OF COUNSELORS.

27 Sec. 08.86.165. ENTITLEMENT TO LICENSURE. A person who practices
28 counseling under supervision for a period of internship and during that
29 time demonstrates professional competence ordinarily expected of a

1 person with the intern's training and experience, and also demonstrates
2 compliance with the provisions of this chapter, is entitled to be
3 licensed as a counselor.

4 Sec. 08.86.166. ELIGIBILITY TO UNDERTAKE INTERNSHIP. A person
5 is entitled to undertake an internship leading to licensure as a
6 counselor if the board finds he

7 (1) has three credit hours of course work directly related
8 to counseling or other course work or experience which the board finds
9 equivalent; and

10 (2) has arranged for the supervision of one of a number of
11 persons designated by the board for that purpose during the period of
12 his internship.

13 Sec. 08.86.167. PERIOD OF INTERNSHIP. The period of internship
14 shall extend until the intern has practiced counseling for at least
15 500 hours but may not terminate in less than a year. The intern's
16 supervisor may terminate the internship short of completion if he
17 believes that continuation could not lead to licensure; or he may pre-
18 scribe additional hours of practice he believes necessary before certi-
19 fying an intern for licensure.

20 Sec. 08.86.168. ISSUANCE OF LICENSE. (a) The board shall license
21 a person as a counselor upon receipt of written certification from the
22 supervisor of that person's internship that the person has passed his
23 period of internship as prescribed by sec. 165 of this chapter.

24 (b) The license granted upon certification in (a) of this section
25 is valid until suspended or revoked under sec. 70(3) of this chapter,
26 except that the license shall lapse if the counselor fails to submit a
27 30-minute taped recording of an instance of his counseling practice to
28 the board within a year of the granting of the license and once every
29 four years thereafter. The board shall review the tape recording

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1 utilizing the standards developed and promulgated in regulations under
2 sec. 80 of this chapter. If the board in applying these standards finds
3 the counselor's performance as taped to be unsatisfactory, the board
4 may initiate further proceedings under sec. 100 of this chapter and in
5 accordance with sec. 20(3) of this chapter.

6 * Sec. 6. AS 08.86.170 is amended by adding a new subsection to read:

7 (c) Unless he is ^{OR is under supervision} licensed under this chapter, no person may use
8 the title "counselor" or a title designation or device indicating or
9 tending to indicate that he is a counselor or practices counseling.

10 * Sec. 7. AS 08.86.185(b)(2) is amended to read:

11 (2) a student, intern or resident in psychology pursuing a
12 course of study approved by the board as qualified training and experi-
13 ence for counseling leading to licensure under secs. 162 and 165 of
14 this chapter, if his activities constitute a part of his supervised
15 course of study and he is designated by titles such as "counseling
16 intern" and "counseling trainee";

17 * Sec. 3. AS 08.86.190 is amended by adding a new subsection to read:

18 (c) A licensed counselor may practice counseling only under his
19 own name.

20 * Sec. 9. AS 08.86.200 is amended to read:

21 Sec. 08.86.200. CONFIDENTIALITY OF COMMUNICATION. No psychologist,
22 [OR] psychological associate or counselor may reveal to another person
23 a communication made to him by a client of his about a matter concerning
24 which the client has employed the psychologist, [OR] psychological
25 associate or counselor in a professional capacity. This section does
26 not apply to a case conference with other psychologists, psychological
27 associates, counselors or with physicians and surgeons, or in the case
28 in which the client in writing authorized the psychologist, [OR] psycho-
29 logical associate or counselor to reveal a communication.

1 * Sec. 10. AS 08.86.230(3) is amended to read:

2 (3) "board" means the Board of Psychologist, [AND] Psycho-
3 logical Associate or Counselor Examiners;

4 * Sec. 11. AS 08.86.230(5) is amended to read:

5 (5) "psychological associate" means a person who practices
6 counseling and psychometrics [INCLUDES A COUNSELOR AND PSYCHOMETRIST];

7 * Sec. 12. AS 08.86.230(11) is amended to read:

8 (11) "supervision" means at least one hour a week of personal
9 interview with a supervisor whose educational qualifications are con-
10 sistent with the level of activity being supervised; if geographical
11 distance precludes a weekly personal interview between a counseling
12 intern and his supervisor, supervision may be maintained through weekly
13 submission of a 30-minute tape recording of a counseling session con-
14 ducted by the intern for review by his supervisor; a supervisor is
15 responsible for insuring that the extent, kind and quality of the
16 psychological and counseling services performed are consistent with a
17 psychological associate's training and experience, as well as his
18 obedience to the provisions of this chapter.
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