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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

May 20, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under art. II, sec. 14 of the Alaska Constitution, I have vetoed SB 823, thus allowing the Board of Psychologist and Psychological Associate Examiners to "sunset" under AS 08.03.010. The reason for this veto is the failure of this board to correct the many problems with its operations which have been raised since 1975 and identified by the Division of Legislative Audit. These problems include inconsistent evaluation of applicants for licenses, unauthorized secret meetings, failure to adopt regulations required by statute, and promotion of legislation unduly restricting public representation on the board and unduly restricting the practice and licensing of psychological associates. None of these problems is addressed by this bill.

This veto will give the board a year to wind up and the legislature a year to create a new system of registration or certification of psychology professionals.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay S. Hammond", written over a circular embossed seal.

Jay S. Hammond
Governor

PUBLIC NOTICE

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF
THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS

Notice is hereby given that the Department of Commerce and Economic Development, Board of Psychologists and Psychological Associate Examiners, under authority vested by AS 08.86.000, proposes to adopt regulations in Title 12 of the Alaska Administrative Code, dealing with definitions relating to AS 08.86.130(2), AS 08.86.180(b)(1), and AS 08.86.204(7)(A) to implement AS 08.86.080 as follows:

1. 12 AAC 60.090 is repealed and will be included in a new section dealing with definitions.
2. 12 AAC 60 is amended by adding a new section providing definitions of accreditation, reasonable cause or excusable neglect, technical meeting, appropriate supervision, and technical incompetence. The board, on its own motion, may adopt definitions of subjects in Title 12 of the Alaska Administrative Code, Chapter 60, and AS 08.86 as applicable.

Notice is also given that any person interested may present written statements or arguments relevant to the action proposed by mailing or delivering them so that are received before 4:30 p.m. on February 28, 1983, to:

Department of Commerce and Economic Development
Board of Psychologist and Psychological Associate
Examiners - Regulations
Pouch D
Juneau, Alaska 99811

This action is not expected to require an increased appropriation.

Copies of the proposed regulations may be obtained by writing to the above address or phoning (907) 465-2535.

The Department of Commerce and Economic Development, Board of Psychologist and Psychological Associate Examiners, upon its own motion or at the instance of any interested person, may thereafter adopt the proposals substantially as described above without further notice or may decide to take no action on them.



Richard A. Lyon, Commissioner

Date: December 30, 1982

SECTION = 08.86.070
TITLE = 08

HEARINGS TITLE 8.
BUSINESS AND PROFESSIONS.
CHAPTER 86.
PSYCHOLOGISTS AND PSYCHOLOGICAL ASSOCIATES.
ARTICLE 2.
ADMINISTRATION OF BOARD AFFAIRS.

CITATION SEC. 08.86.070.

CATCH LINE

DUTIES OF THE BOARD.

TEXT

- (A) THE BOARD SHALL
- (1) PASS ON QUALIFICATIONS OF APPLICANTS FOR LICENSES,
 - (2) PREPARE, ADMINISTER AND GRADE WRITTEN EXAMINATIONS;
 - (3) REPEALED BY SEC. 24 CH 58 SLA 1980,
 - (4) SET FEES WHICH ARE CHARGED FOR PSYCHOLOGICAL ASSOCIATES;
 - (5) DEFINE, BY REGULATION, AREAS AND TECHNIQUES OF PRACTICE IN PSYCHOLOGY FOR WHICH SPECIALTY TRAINING IS REQUIRED AND ESTABLISH STANDARDS FOR SPECIALTY DESIGNATION IN THE FIELD OF PSYCHOLOGY;
 - (6) ADOPT REGULATIONS REQUIRING PROOF OF CONTINUED COMPETENCY BEFORE A LICENSE IS RENEWED.
- (B) THE BOARD MAY, AFTER HEARING, SUSPEND OR REVOKE THE LICENSE OF A LICENSED PSYCHOLOGIST OR PSYCHOLOGICAL ASSOCIATE WHO DENIES CARE OR TREATMENT TO A PATIENT OR PERSON SEEKING ASSISTANCE FROM THE PSYCHOLOGIST OR PSYCHOLOGICAL ASSOCIATE AND

0808.86.070

DOCUMENT# 1 OF 1 PAGE = 2 OF 2
THE SOLE REASON FOR THE DENIAL IS THE FAILURE OR REFUSAL OF THE PATIENT OR PERSON SEEKING ASSISTANCE TO EXECUTE AN AGREEMENT TO ARBITRATE A DISPUTE, CONTROVERSY, OR ISSUE ARISING OUT OF THE CARE OR TREATMENT, AS PROVIDED IN AS 09.55.535(A).

(C) THE BOARD MAY, AFTER A HEARING, ORDER DISCIPLINARY SANCTIONS AGAINST A PERSON WHO VIOLATES THIS CHAPTER, AN ORDER OF THE BOARD, OR A REGULATION OF THE BOARD.

HISTORY

(SEC. 1 CH 136 SLA 1967, AM SEC. 2, 3 CH 85 SLA 1975, AM SEC. 24 CH 58 SLA 1980, AM SEC. 3, 7, 8 CH 86 SLA 1981)

08091 END OF DOCUMENT IN LIST ENTER RETURN OF ANOTHER DOCUMENT.

0808.86.150

DOCUMENT# 1 OF 1 PAGE = 1 OF 2
CHAPTER = 08.86
SECTION = 08.86.150
TITLE = 08

HEARINGS

TITLE 8.
BUSINESS AND PROFESSIONS.
CHAPTER 86.
PSYCHOLOGISTS AND PSYCHOLOGICAL ASSOCIATES.
ARTICLE 3.
LICENSING OF PSYCHOLOGISTS.

CITATION

SEC. 08.86.150.

CATCH LINE

LICENSE BY CREDENTIALS.

TEXT

A PERSON WHO IS LICENSED OR CERTIFIED AS A PSYCHOLOGIST BY AN AUTHORITY OTHER THAN ALASKA IS ENTITLED TO BE LICENSED IN ALASKA WITHOUT EXAMINATION IF

- (1) THE PERSON HOLDS A DOCTORAL DEGREE WITH PRIMARY EMPHASIS ON PSYCHOLOGY FROM AN ACCREDITED SCHOOL,
- (2) THE EXAMINATION AND QUALIFICATION REQUIREMENTS FOR THE PERSON'S OUT-OF-STATE LICENSE OR CERTIFICATE WERE ESSENTIALLY SIMILAR TO OR HIGHER THAN THE EXAMINATION AND QUALIFICATION REQUIREMENTS FOR LICENSURE UNDER THIS CHAPTER.
- (3) THE PERSON IS A DIPLOMATE IN GOOD STANDING OF THE AMERICAN BOARD OF EXAMINERS IN PROFESSIONAL PSYCHOLOGY;
- (4) THE PERSON COMPLETES AND RETURNS THE PROPER APPLICATION FORMS, SUBMITS PROOF OF CONTINUED COMPETENCY AS REQUIRED BY REGULATION OF THE BOARD, AND PAYS THE CREDENTIAL REVIEW FEE.

HISTORY

(SEC. 1 CH 136 SLA 1967, AM SEC. 10 CH 58 SLA 1980)

CHAPTER = 08.86
SECTION = 08.86.180
TITLE = 08

HEADINGS TITLE 8.
BUSINESS AND PROFESSIONS.
CHAPTER 86.
PSYCHOLOGISTS AND PSYCHOLOGICAL ASSOCIATES.
ARTICLE 4.
PROHIBITIONS AND PENALTIES.

CITATION SEC. 08.86.180.

CATCH LINE

PRACTICE OF PSYCHOLOGY.

TEXT

(A) UNLESS LICENSED UNDER THIS CHAPTER, A PERSON MAY NOT PRACTICE PSYCHOLOGY OR HOLD OUT PUBLICLY AS A PSYCHOLOGIST OR AS PRACTICING PSYCHOLOGY. A PERSON HOLDS OUT AS A PSYCHOLOGIST BY USING A TITLE OR DESCRIPTION OF SERVICES INCORPORATING THE WORDS "PSYCHOLOGY", "PSYCHOLOGICAL", "PSYCHOLOGIST", "PSYCHOMETRY", "PSYCHOMETRICS", "PSYCHOMETRIST", "PSYCHOLOGICAL COUNSELING", "PSYCHOLOGICAL COUNSELOR", "PSYCHOTHERAPY", "PSYCHOTHERAPEUTIC", "PSYCHOTHERAPIST", "PSYCHOANALYSIS" OR "PSYCHOANALYST", OR WHEN HOLDING OUT PUBLICLY TO BE TRAINED, EXPERIENCED OR QUALIFIED TO RENDER SERVICES IN THE FIELD OF PSYCHOLOGY.

(B) THIS SECTION DOES NOT APPLY TO

(1) A PERSON EMPLOYED BY A GOVERNMENTAL UNIT, EDUCATIONAL INSTITUTION OR PRIVATE AGENCY WHO MAY BE REQUIRED TO ENGAGE IN SOME PHASE OF WORK OF A PSYCHOLOGICAL NATURE IN THE COURSE OF THE PERSON'S EMPLOYMENT, IF THE EMPLOYER MAINTAINS APPROPRIATE SUPERVISION OF PSYCHOLOGICAL ACTIVITIES

AS08.86.180

DOCUMENT# 4 OF PAGE# 2 OF 3

AND PROFESSIONAL CONDUCT, AND IF THE PERSON IS PERFORMING THE PSYCHOLOGICAL ACTIVITIES AS PART OF THE DUTIES FOR WHICH THE PERSON WAS EMPLOYED, IS PERFORMING THE ACTIVITIES EXCLUSIVELY WITHIN THE FACILITIES OF THE ORGANIZATION IN WHICH THE PERSON IS EMPLOYED OR UNDER THE SUPERVISION OF THE ORGANIZATION IN WHICH THE PERSON IS EMPLOYED, AND DOES NOT RENDER OR OFFER TO RENDER PSYCHOLOGICAL SERVICES TO THE PUBLIC FOR COMPENSATION IN ADDITION TO THE SALARY THE PERSON RECEIVES FROM THE ORGANIZATION.

(2) A STUDENT, INTERN, OR APPLICANT IN PSYCHOLOGY PURSUING A COURSE OF STUDY APPROVED BY THE BOARD AS QUALIFYING TRAINING AND EXPERIENCE FOR A PSYCHOLOGIST, IF THAT PERSON'S ACTIVITIES CONSTITUTE A PART OF THAT PERSON'S SUPERVISED COURSE OF STUDY AND THAT PERSON IS DESIGNATED BY TITLES SUCH AS "PSYCHOLOGY INTERN" OR "PSYCHOLOGY TRAINEE",

(3) A QUALIFIED MEMBER OF ANOTHER PROFESSION, SUCH AS SOCIAL WORKER, DRUG OR ALCOHOL ABUSE COUNSELOR, OR PASTORAL COUNSELOR, IN DOING WORK OF A PSYCHOLOGICAL NATURE CONSISTENT WITH THAT PERSON'S TRAINING AND CONSISTENT WITH THE CODE OF ETHICS OF THAT PERSON'S PROFESSION, IF THE PERSON DOES NOT HOLD OUT TO THE PUBLIC BY A TITLE OR DESCRIPTION OF SERVICES INCORPORATING THE WORDS "PSYCHOLOGY", "PSYCHOLOGICAL", "PSYCHOLOGIST", "PSYCHOMETRY", "PSYCHOMETRICS", "PSYCHOMETRIST", "PSYCHOTHERAPIST", "PSYCHOANALYSIS", "PSYCHOANALYST" OR REPRESENTS TO BE TRAINED, EXPERIENCED OR QUALIFIED TO RENDER SERVICES IN THE FIELD OF PSYCHOLOGY;

(4) REPEALED BY SEC. 15 CH 65 SLA 1973.

(5) A PHYSICIAN ENGAGED IN THE NORMAL PRACTICE OF

AS08.86.180

DOCUMENT# 1 OF PAGE# 3 OF 3

MEDICINE FOR WHICH THE PHYSICIAN IS LICENSED UNDER AS 08.54.

(C) NOTHING IN THIS CHAPTER AUTHORIZES A PERSON LICENSED AS A PSYCHOLOGIST TO ENGAGE IN THE PRACTICE OF MEDICINE, AS DEFINED BY THE LAWS OF THE STATE.

HISTORY

(SEC. 1 CH 136 SLA 1967, AM SEC. 10 CH 69 SLA 1970, AM SECS. 7, 15 CH SLA 1973, AM SECS. 14, 15 CH 58 SLA 1986)

TEXT

DEFINITIONS.
IN THIS CHAPTER

(1) "PSYCHOLOGIST" MEANS A PERSON WHO PRACTICES PSYCHOLOGY;

(2) "TO PRACTICE PSYCHOLOGY" MEANS TO RENDER OR OFFER TO RENDER FOR A FEE TO INDIVIDUALS, GROUPS, ORGANIZATIONS OR THE PUBLIC FOR THE DIAGNOSIS, PREVENTION, TREATMENT, OR AMELIORATION OF PSYCHOLOGICAL PROBLEMS AND EMOTIONAL AND MENTAL DISORDERS OF INDIVIDUALS OR GROUPS OR FOR CONDUCTING RESEARCH ON HUMAN BEHAVIOR, A PSYCHOLOGICAL SERVICE INVOLVING THE APPLICATION OF PSYCHOLOGICAL PRINCIPLES, METHODS, AND PROCEDURES OF UNDERSTANDING, PREDICTING, AND INFLUENCING BEHAVIOR, INCLUDING

(A) THE PRINCIPLES PERTAINING TO LEARNING, PERCEPTION, MOTIVATION, EMOTIONS, AND INTERPERSONAL RELATIONSHIPS,

(B) THE METHODS AND PROCEDURES OF INTERVIEWING,

ASOB.88.230 DOCUMENT# 1 OF 1 PAGE# 2 OF 5

COUNSELING, PSYCHOTHERAPY, BIOFEEDBACK, BEHAVIOR MODIFICATION, AND HYPNOSIS;

(C) CONSTRUCTING, ADMINISTERING AND INTERPRETING TESTS OF MENTAL ABILITIES, APTITUDES, INTERESTS, ATTITUDES, PERSONALITY CHARACTERISTICS, EMOTIONS, AND MOTIVATIONS,

(3) "BOARD" MEANS THE BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS;

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT,

(5) "PSYCHOLOGICAL ASSOCIATE" MEANS A PERSON LICENSED UNDER THIS CHAPTER WHO RENDERS SPECIFIC PSYCHOLOGICAL SERVICES IN ASSOCIATION WITH A LICENSED PSYCHOLOGIST AND COMPLIES WITH AS 08.08.134,

(6) REPEALED BY SEC. 24 CH 58 SLN 1983.

(7) REPEALED BY SEC. 24 CH 58 SLN 1983.

(8) REPEALED BY SEC. 24 CH 58 SLN 1983.

(9) REPEALED BY SEC. 24 CH 58 SLN 1983.

(10) "APPROVED PROGRAM" MEANS A PROGRAM OF STUDY FOR THE PRACTICE OF PSYCHOLOGY, ADMINISTERED BY AN ACADEMIC INSTITUTION WHICH IS ACCREDITED BY THE AMERICAN PSYCHOLOGICAL ASSOCIATION, EDUCATION AND CREDENTIALING BOARD IN PSYCHOLOGY FOR AN APPROVED PROGRAM.

HISTORY: (SEC. 1 CH 1 SLN 1987, AM SECS. 12, 13 CH 58 SLN 1983, AM SEC. 05 CH 248 S 1976, AM SECS. 18 - 20, 22, 24 CH 58 SLN 1983)

HEALTH AND REHABILITATION SERVICES
OF ALASKA
626 F STREET, SUITE 102
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 338-6151

May 9, 1983

Senator Richard I. Eliason
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Senator Eliason:

At some point during the current session, you will be considering legislation regarding the licensing of psychologists in Alaska (HB 181 and SB 109).

Existing legislative audit reports dated August 5, 1975, October 31, 1978 and August 12, 1981, cogently and concisely address some of the issues involved. I hope you will find time to review this material prior to making your decision.

Additionally, I would appreciate your consideration of the following comments:

First, the present definition of psychology (A.S.08.86.230(2)) is so broad as to include any individual interacting with any other individual or group. Psychology, by historical development or practical application, is not the exclusive domain of any one group.

Second, if licensure is to exist, it would seem reasonable to require some format for continuing education and evaluation of persons so licensed.

Third, 12 AAC 60.080(3) establishes requirements for one hour/week of face-to-face supervision of persons seeking a license. There has been no mechanism established by which persons seeking licensure may obtain this required supervision. It would seem to me that if a requirement is to be established, a mechanism for meeting the demand should also be established.

Fourth, 12 AAC 60.070(b) restricts supervision to a licensed psychologist. It would appear reasonable that such supervision could also be performed by a psychiatrist or physician.

May 9, 1982
Page Two

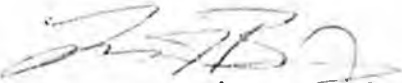
Fifth, 12 AAC 60.140(e) establishes only broad guidelines within which there is substantial room for variation. A specific reading list should be developed. Otherwise it is virtually impossible to concentrate one's efforts.

Sixth, 12 AAC 60.150(b) is not clear to me. Since at least a portion of the examination is graded on a pass/fail basis, how can statistical methods be used to determine whether an examination is reviewed?

There are several other points which could be raised. The above, including the legislative audit reports, are, in my opinion, important and worthy of your consideration.

I thank you for your time and attention. If further comment or clarification is desired, please feel free to contact me.

Sincerely



Larry J. Bissey, Ph.D.

LJB/ljp

STATE OF ALASKA
FISCAL NOTE

Revision Date May 3, 1983

I. REQUEST

Bill/Resolution No.: SCS for CSHB 181
 Title: "Psychology Board Continuation"
 Sponsor: Senate L&C Committee
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 Program Category Affected: Public Prot.
 BRU, Program or Subprogram(s) Affected: Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No additional fiscal impact incurred with this bill.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Darrell Miller

Division: Occupational Licensing

Approved by Commissioner: Richard A. Lyon

Department: Commerce and Economic Development

Phone: 465-2535

Date: May 3, 1983

Date: 5/5/83

Distribution:

Original to Legislative Finance

Copy to Office of Management and Budget (for Legislature introduced bills)

Copy to Department (for Governor introduced bills)

Copy to Sponsor

Copy to Requestor (if different from Sponsor)

3/8/83

PROPOSED TITLE: COS CSMB 101(L&C)
 AN ACT RELATING TO REGULATION OF THE PRACTICE OF PSYCHOLOGY
 AND CONTINUING THE EXISTENCE OF THE BOARD OF
 PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS, AND
 PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: CATO.

CO-SPONSORS: UENLING.

CURRENT STATUS: 6/29/83 CHAPTER 0029 SLA 00

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/09/83	01	0243	FIRST READING -- COMMITTEE REPORTS
03/04/83	02	0406	COMTE REFERRALS CHANGED
03/25/83	03	0625	L&C -- CS07
03/25/83	04	0825	L&C F/NOTE EQUALS ZERO
03/28/83	05	0662	MOVED FROM FIN TO RLS BY UNAN CONSENT
04/18/83	06	0904	SECOND READING
04/18/83	07	0904	L&C CS ADOPTED BY UNAN CONSENT
04/18/83	08	0904	ADVANCED TO 3RD READING BY UNAN CONSENT
04/18/83	09	0902	THIRD READING
04/18/83	10	0902	PASSED BY DIV 59-00-01
04/18/83	11	0902	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/18/83	12	0902	NOTICE OF RECONSIDERATION GIVEN
04/19/83	13	0932	RECONSIDERATION NOT TAKEN UP
05/13/83	24	1697	CONCURRED BY SENATE AND BY DIV 37-00-03
05/13/83	25	1698	EFFECTIVE DATE VOTE SAME AS PASSAGE
05/14/83	26	1710	TRANSMITTED TO GOVERNOR
05/29/83	27	2120	SIGNED BY GOVERNOR CHOOSE, EFF 06/30/83
###	##	##	### ### ###

DATE	SEQ	PAGE	LEGISLATIVE ACTION
04/20/83	14	0750	FIRST READING -- COMMITTEE REPORTS
05/04/83	15	0809	L&C -- CS03
05/04/83	16	0890	L&C F/NOTE EQUALS ZERO
07/01/83	17	1133	RLS -- L&C CS04, OTHER04 TAKEN UP IMMEDIATELY
07/01/83	18	1170	SECOND READING
07/01/83	19	1170	L&C CS ADOPTED BY UNAN CONSENT
07/01/83	20	1170	ADVANCED TO 3RD READING BY UNAN CONSENT
07/01/83	21	1170	THIRD READING
07/01/83	22	1170	PASSED BY DIV 10-00-01
07/01/83	23	1171	EFFECTIVE DATE VOTE SAME AS PASSAGE
###	##	##	### ### ###

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on LABOR & COMMERCE has had SEN. J. J. [unclear]

[Faint background text: regulation of the practice of pharmacy and dispensing, members of the Board of Examiners for Pharmacy Assistants, etc.]

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
- new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
POSITION PAPER
SB 109 & HB 181

SB 109, HB 181: "An Act relating to regulation of the practice of psychology and continuing the existence of the Board of Psychologist and Psychological Associate Examiners; and providing for an effective date.

SB 109 and HB 181 must be understood in the context of the sunseting of the Board of Psychologist and Psychological Associate Examiners (hereafter referred to as the Board). The Board was sunsetted by a Governor's veto of continuation legislation passed in 1982. The legislation that was vetoed was essentially the same as the two present bills.

Governor Hammond's veto was not based on a perceived flaw in the proposed legislation, but on the realization that "problems" in the functioning of the Board had not been corrected. This rationale was clearly stated by Governor Hammond in a letter to the Board chairman. Governor Hammond's position was consistent with the findings and advice of all State agencies only to the extent that his veto sunsetted the Board.

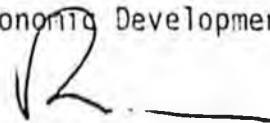
The Division of Legislative Audit (DLA) recommended that the Board be sunsetted because it had not been operating in the public interest. It further recommended that some other form of licensure be explored.

The Division of Occupational Licensing concurred with the findings of the DLA and suggested it take over licensure or that the State consider licensing all similarly qualified mental health practitioners under a uniform set of standards. A variety of public protection reasons were given for this position.

Since the legislative hearings in 1982 and since the veto of the continuation legislation, the Board appears to have made substantial progress in correcting many of the problems that surfaced in the 1982 sunset review process (see the attached 12/23/82 memo from Nick Coti to Harry Treager). Based on the progress that has been made, the department feels that board licensure of psychologists is again an acceptable means of protecting the public and urges continuation of the board.

 3/1/83

Harry D. Treager, Director
Division of Occupational Licensing
Department of Commerce and
Economic Development



Richard A. Lyon, Commissioner
Department of Commerce and
Economic Development

MEMORANDUM


State of Alaska

TO: Harry Treager, Director
Division of Occupational Licensing

DATE: December 23, 1983

FILE NO:

TELEPHONE NO:

FROM: 
Management Analyst

SUBJECT: Psychology Progress

The following memo reviews the progress that the Psychology Board has made in those areas which were of most concern to us during the review process of the last legislative session.

At their last meeting, we focused on the progress made in the following major areas:

1. Examination Process
2. Letters of Recommendation
3. Continuing Competency
4. Approved Program
5. Masters Level Practitioners
6. Executive Session

1. EXAMINATION PROCESS: The board has revised their previous position which sought to develop a State examination which tested applicants on their general command of the field of psychology. We opposed this approach in the past saying that all indications were that the national examination, in the context of the other licensure requirements (e.g. Ph.D., supervised experience, etc.), provided an adequate indicator of basic professional competence.

~~Under the newly instituted board procedure, the State examination tests only for knowledge in the area of ethics and State law.~~

While we could question the need for testing in the area of ethics (since it is already tested for on the national exam and is examined for by implication in the review of letters of recommendation), my recommendation at this point would be to accept the board's approach relying on their judgment that more careful scrutiny of an applicant's understanding of ethical issues is in the public interest. Some of the research that I am familiar with questions the effectiveness of the national exam in the area of ethics and indicates a need for additional scrutiny by the board.

It is also worthy of note that the board has developed a written procedure governing the administration and scoring of the State examination. This procedure involves the use of answer keys. In the event that board members encounter an answer that they believe is valid and is not part of the existing key, they have indicated that the key would be revised to accommodate the new answer.

I am impressed with the board's actions in this area. While I have not scrutinized their new procedures, their basic thrust seems to be clearly in the direction of improved objectivity and appropriate documentation. It seems appropriate at this stage to emphasize our support for the board in this area and to applaud their efforts and accomplishments.

2. LETTERS OF RECOMMENDATION: I discussed the issue of the use of letters of recommendation in the application process. The board agreed that there is a need for written guidelines regarding the role of these letters and procedures for handling negative letters of recommendation.

It was agreed that positive letters of recommendation which meet the criteria specified in statute and in regulation present no problem. It was further agreed at the meeting that negative letters of recommendation alleging unethical behavior should be turned over to the investigations section of the division for investigation.

The general discussion in the area was positive and constructive and the board agreed to work toward a more explicit written policy in this area. We should encourage their development of such a policy and lend the board whatever support and guidance we can.

3. CONTINUING COMPETENCY: At the December meeting, the board moved to adopt the continuing competency regulations. As with the continuing competency regulations in other board areas, we should do our best to monitor the implementation of these regulations and work with the board to improve areas of weakness or inequity, if any, that may become apparent after implementation.

4. APPROVED PROGRAM: It is my feeling that there are two different, though related, issues in this area. The first issue is whether it is fair and/or appropriate in terms of public protection to adopt the APA approved program as the standard for an approved program for licensure.

Our concern in this area has been that this standard is too restrictive. We established this position based on a review of other state standards and literature dealing with the efficacy of and dangers involved in the practice of psychology.

I still believe that this is an area which needs considerable thought and investigation. Given the existing level of resources, this thought and investigation must take place within the normal evolution of policies and procedures for licensing psychologists. In the absence of additional resources to investigate this issue, the division should encourage the board to maintain a critical and self-reflective posture with respect to this standard.

The second issue regarding the APA standard relates to the fairness of its implementation.

In the past eight months, the board has taken two major steps to ensure fair implementation of these standards. First, they have developed a checklist which they can use to evaluate and document the shortcomings of a program which they feel does not meet the APA standards. This provides an easily accessible record of their actions which can be legitimately challenged by an applicant who disagrees with a decision of the board. In addition, the board now identifies more clearly in its minutes the basis for its decisions on applications.

I believe that we should applaud the board for its progress in this area and provide whatever constructive criticism we can to improve this process to protect both board members and applicants.

5. MASTERS LEVEL PRACTITIONERS: The main issue in this area is whether or not it is in the public interest to make the doctoral degree a minimal standard for the independent practice of psychology.

The division's concern has been that this standard is too restrictive. This position was developed as a result of the review of the licensing standards of other states and a review of the literature dealing with the efficacy and dangers of the practice of psychology.

I still believe that this is an area which needs considerable thought and investigation. But I believe that this thought and investigation should take place within the context of the normal evolution of the policies and procedures for the licensing of psychologists. In the absence of additional resources to research and investigate this issue, the division should encourage the board to maintain a critical and self-restrictive posture with respect to this standard.

6. EXECUTIVE SESSION: As is probably apparent from the above discussions, the board has made considerable progress in documenting and making visible its decisions and the basis for its decisions. This progress has taken the form of written procedures, improved minutes and written guidelines for documenting its decisions. Additional progress is anticipated in the area of written procedures for handling letters of recommendation.

It, therefore, may be appropriate for the division to call this progress to the attention of the Attorney General and request a reevaluation of his present advice to the board on the recording of executive sessions. The board has expressed concern that special attention be paid to safeguarding tapes with executive sessions recorded on them.

I would, therefore, recommend that we advise the Attorney General of the progress that has been made in documenting executive sessions and other board actions and encourage a reevaluation of the present procedures.

SCS
+ HB 281
SB 109 - THE BOARD OF PSYCHOLOGISTS AND PSYCHOLOGICAL ASSOCIATE
EXAMINER'S - SECTIONAL ANALYSIS

- SEC. 1 PROVIDES FOR AN EXTENSION OF THE BOARD FOR FOUR YEARS.
- SEC. 2 CLARIFIES THE POWERS OF THE BOARD, AS THE PRESENT STATUTE'S LANGUAGE IS VAGUE, AND THE BOARD DOES NOT HAVE POWERS EQUAL TO THOSE OF OTHER HEALTH REGULATORY BOARDS. PROPOSED WORDING IS TAKEN FROM THE COUNCIL ON STATE GOVERNMENT'S PUBLICATION ON OCCUPATIONAL LICENSING MODEL PRACTICE ACT, AND IS CONSISTENT WITH LANGUAGE ADOPTED BY THE LEGISLATURE FOR OTHER LICENSING BOARDS.
- SEC. 3 ASSURES THAT A PERSON SEEKING LICENSURE THROUGH EXAMINATION OR CREDENTIALS HAS GRADUATED FROM AN ACCREDITED SCHOOL WITH A PSYCHOLOGY PROGRAM MEETING THE REQUIREMENTS SET OUT BY THE AMERICAN PSYCHOLOGY ASSOCIATION'S COMMITTEE ON EDUCATION AND CREDENTIALLING.
THE APPLICANT WOULD NOT BE REQUIRED TO BE A GRADUATE OF AN APA APPROVED AND ACCREDITED PROGRAM, BUT A GRADUATE OF A PROGRAM SIMILAR IN CONTENT AND QUALITY TO AN APPROVED PROGRAM.
- SEC. 4 ATTEMPTS TO ALLEVIATE A CONFLICT BETWEEN PROFESSIONS WHO PRACTICE PSYCHOTHERAPY, AND PREVENT THOSE IN OTHER PROFESSIONS FROM BEING PROSECUTED UNDER THE WORDING OF THE PRESENT STATUTE.
- SEC. 5 EXCLUSIONARY CLAUSE EXEMTING MEMBERS OF OTHER PROFESSIONS FROM THE PROVISIONS OF THIS STATUTE'S JURISDICTION, PROVIDING THEY DO NOT APPROPRIATE THE TITLES AND PRACTICES OF THOSE LICENSED AS PSYCHOLOGISTS AND PSYCHOLOGICAL ASSOCIATES.

CS for SB 109 (HESS) - BILL ANALYSIS

Section 4 Deletes "SUCH AS SOCIAL WORKER, DRUG OR ALCOHOL ABUSE
COUNSELOR, OR PASTORAL COUNSELOR,"

leaves in the statute the terms "PSYCHOTHERAPIST"

Section 5 NEW SECTION

EXEMPTS CLINICAL SOCIAL WORKERS FROM RESTRICTIONS ON
USAGE OF TERMS "PSYCHOTHERAPY", "PSYCHOTHERAPIST", AND
"PSYCHOTHERAPEUTIC".

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.

A PERFORMANCE REVIEW OF THE
BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS

August 12, 1981

Audit Control Number
08-121-1054-R

Commissioner, Department of Commerce and Economic Development	Charles R. Webber
Deputy Commissioner, Department of Commerce and Economic Development, Acting	Lois Cook
Deputy Commissioner, Department of Commerce and Economic Development	Vacant

Members of the Board of Psychologist
and Psychological Associate Examiners

Chairperson	Pam Delys-Baglien, Ph.D
Member	Dorothy Whitmore, Ed.D
Member	James Greenough, Ph.D
Member	Paul E. Turner, Ph.D
Member	Charles C. Bovee, Ed.D

December 15, 1982

Harry D. Treager, Director
Department of Commerce and Economic Development
Division of Occupational Licensing
Pouch D
Juneau, Ak
99811

Dear Mr. Treager,

I would like to express my opinion regarding the "Sunset" legislation proposed for the Board of Psychologists and Psychological Associate Examiners. Having had a number of interactions with the board I find I agree with most of the findings of the audit. I was one of those people mentioned in the audit who started my supervision under the old "one year" regulations for licensure as a psychological associate, only to discover, after being told otherwise that I would be required to comply with the new requirement for three years supervision. Needless to say I was quite chagrined and angry at this turn of events. However, at this point in time I only have six (6) months to go for my three years so it may be a blessing in disguise.

It is my opinion that, as stated in the audit, the board and the regulations promulgated by the board discriminate against masters-level mental health professionals, which is not in the public's best interest. And I also contend that the argument put forth by the board to support this position i.e. to "protect the public" is specious and undemonstrable. In fact, I would go so far as to say that my observation has been that several psychologists licensed by the board, who worked in this region before my advent, did in fact "harm the public" and provided incompetent work. I would challenge the board to make a visit to Nome and talk to all the primary agency consumers here, such as the medical personnel, the state Division of Family and Youth Services, the school districts and others to determine if their licensure did protect the public or assure competent work. I would also like to show them some of the psychological evaluations written by licensed psychologists that are clearly incompetent. I also find it a paradox that the state (division of mental health) has given it's imprimatur to me being the primary provider of psychological services in this region when prior to this time only Ph.D.'s were allowed to be the providers. I'm also frequently told that I do better work. At the same time another division of the state says I can't be licensed to do the very thing I'm doing, or when I am licensed I will have to be supervised to do probably less critical work than I am doing now.

I do support licensure, but I support a licensure that is reasonable, equitable, non-discriminatory, and does set out to protect the public (not only against incompetence, but also against monopolies, and inflated costs for services).

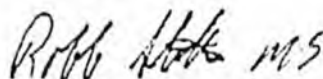
In sum, I agree with the findings of the audit, but I do support licensure. I feel that licensure at the psychological associate level should require

two (2) years of supervised experience beyond the Master's degree. I also strongly agree with the Prior Audit Recommendation No. 8, where it compares other states licensing requirements, especially #2. I feel that the psychological associate should be able to practice independently or with limited supervision that recognizes the remoteness of Alaska and takes this into account when developing the supervision requirements. I also support licensure of masters-level mental health professional at the psychologist level after a certain amount of supervision or experience beyond the psychological associate level.

It is my goal, after obtaining my license, to set up a private practice in a small isolated community where no mental health services exist. This is going to be impossible if very restrictive supervision requirements are imposed upon me.

Thank you for your time, and I'll continue my contact with you and others in this matter.

Sincerely,

Handwritten signature of Robb Stokes MS in cursive script.

Robb Stokes, M.S., Ph.D. Candidate
Norton Sound Family Services
P.O. Box 966
Nome, AK
99762

TOK AREA MENTAL HEALTH CENTER

P.O. Box 398
Tok, Alaska 99780
(907) 883-4851

November 24, 1982

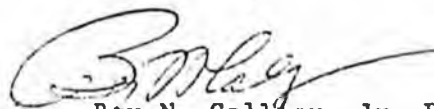
Harry D. Treager
Director, Division of Occupational Licensing
Department of Commerce & Economic Development
Pouch D
Juneau, AK 99811

Dear Mr. Treager:

Its been some time since you taught a criminal justice course (six years) and I'm sure that doing your current activity is just as hot as your old investigator position. I was quite suprised last year to learn of your current activity. Congratulations. I am sending my response through you to the "Sunset" activity for the Board of Psychologist and Psychological Associate Examiners, so I can have a chance to say "hello" to one of my former part-time teachers. Hope things are well.

Yes, I am concerned regarding the possibility of the "sunsetting" of licensing legislation. The most important concern of the moment would be to be informed of the reasons the previously approved legislation was vetoed. This information was not adequately disseminated to those affected. Without being so informed as well as being provided information related to the alternatives which have been considered, it is very difficult to comment. I feel it important, however, that adequate and appropriate restriction be placed on who may practice and provide psychological services to the people of Alaska and that those so designated be licensed by the State. There appears to have been a long history in Alaska of political intrusion into the licensing process, and perhaps time has allowed for many of these problems to have dissipated. Hopefully better communication can begin to clear the real issues.

Sincerely,



Boy N. Collier, Jr. Ph.D.
Director

BNC/dc

3325 Upland Drive
Anchorage, Alaska 99504

November 3, 1982

Harry D. Treager, Director
Dept. of Commerce & Economic Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

Dear Mr. Treager:

I received your letter dated October 12, 1982 notifying Psychologists of the elimination of the Board of Psychologists and Psychological Associate Examiners through the "Sunset" legislation. As I recall, considerable input was made to your office and the Legislature during the FY82 legislative session. The fact that the bill providing for continued support of the Board was passed by the Legislature would indicate support for continued licensure of Psychologists under the present system. I believe that the Governor was ill advised when he vetoed that bill. It is felt that the information presented to him was outdated and did not accurately represent the issues involved with the licensure of Psychologists.

I would recommend that the information and comments that were provided last year by Psychologists, other individuals and agencies be made available to the Legislators and the Governor's office this year. Hopefully reason will prevail and the Board of Psychologists and Psychological Associate Examiners will be continued.

Please let me know if there is an agency or specific manner through which comments facilitating reexamination of this issue should be addressed.

Sincerely,



R. Steven Harrison, Ph.D.
Psychologist

cc: Board Members



UNIVERSITY OF ALASKA

108 Bunnell Building
303 Tanana Drive
Fairbanks, Alaska 99701

October 27, 1982

Harry D. Treager
Department of Commerce &
Economic Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99801

Dear Mr. Treager:

I very much support the continuation of the Board of Psychologists and continuation of the Board of Psychologists and Psychological Examiners. I believe it would be irresponsible to deregulate this, or any other professional board. I do believe, however, that it would be appropriate to relax the laws for "counseling", "hypnosis", and related disciplines, while allowing "psychotherapy" to be administered only by licensed professionals. That is, I believe the Psychologist law is too specific in its restrictions to areas like "counseling", while it should focus more on activities like "psychotherapy".

Sincerely,

A handwritten signature in cursive script that reads "Lawrence Mohr".

Lawrence Mohr, Ph.D.
#160

LM:eb



UNIVERSITY OF ALASKA, FAIRBANKS
Fairbanks, Alaska 99701

October 27, 1982

Mr. Harry D. Treager
Department of Commerce & Economic
Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99801

Dear Mr. Treager:

I am writing to you in response to "Sunset" legislation regarding the Board of Psychologists and Psychological Associate Examiners. I am presently a faculty member at the University of Alaska, Fairbanks and a licensed psychologist in Alaska. Whereas I agree that there has been problems with licensing in the past, I do not think that abolishing the practice of licensing is the answer.

Licensing serves several useful functions. It insures that persons calling themselves psychologists meet certain minimum requirements with regards to training. By doing so I think that it insures a certain level of expertise that is necessary for the public that uses the services of psychologists. Also, experiences in other states (e.g., Florida) that have sunsetted psychology licensing have shown a proliferation of persons offering counseling with no skills. The public in these cases has often been abused.

I urge you to support continuation of licensing of psychologists. The proposed solution will be much worse than working within the present licensing framework.

Sincerely,

Kenneth D. Green, Ph.D.
Assistant Professor of Psychology
Department of Behavioral Sciences
and Human Services
College of Human and Rural Development

KDG:peg

Carol C. Greenough, Ph.D.
James W. Greenough, Ph.D.
Licensed Psychologists

P.O. Box 1978
201 Lincoln Street
Sitka, Alaska 99835
(907) 747-5831

Consultation

Clinical Services

Research

November 2, 1982

Harry D. Treager, Director
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

Dear Mr. Treager,

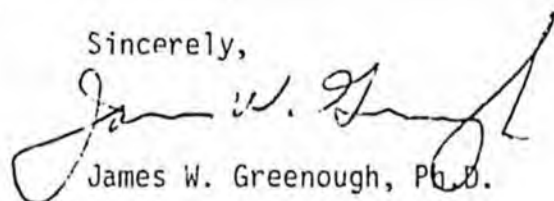
Thank you for your response to my letter regarding proposal of legislation to continue the Board of Psychologist and Psychological Associate Examiners. I appreciate all assistance you can give us with this matter.

Your point regarding inclusion of the phrase "with an approved program" is a good one. Clearly the phrase needs more complete definition, though we take its meaning for granted. It may be more appropriate for this requirement to be in regulation, although I believe we all see it as a minimum requirement, and likely to remain so.

You may rest assured that I will bring up this point for consideration at our December meeting in Anchorage.

I want to thank you also for your personal expression of concern over our nautical misadventure aboard the Alaska Explorer.

Sincerely,



James W. Greenough, Ph.D.

COMMUNITY MENTAL HEALTH CENTER

Box 2274
Homer, Alaska 99603-2274
(907) 235- 7701



October 20, 1982

Harry D. Treager
Department of Commerce and
Economic Development
Division of Occupational Licensing
Pouch D
Juneau AK 99801

Dear Mr. Treager:

Thank you for your letter of October 12, 1982 advising that the Board of Psychologists and Psychological Associate Examiners is currently being sunsetted. I was previously aware that Governor Hammond had vetoed the legislation for continuation of the Board which had been endorsed by the vast majority of the Senate and the House during the 1981-82 legislative session. I am deeply concerned about this situation and feel quite strongly that the Board of Psychologists and Psychological Associate Examiners plays a crucial role in the protection of consumers of psychological services throughout Alaska.

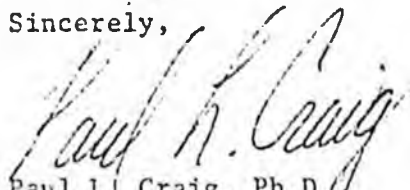
I recently received my license to practice as a Psychologist in Alaska and am currently employed as the Director of the Community Mental Health Center in Homer. I found my interaction with the Board while applying for licensure to be useful insofar as they thoroughly reviewed my credentials and my test performance in order to assure that I was adequately trained and knowledgeable in order to practice at the independent level as a Clinical Psychologist. Without such a Board composed of practicing Psychologists, there would be a greater likelihood of inadequately trained individuals claiming to the public that they are capable and competent to provide psychological services.

It is my understanding that there is some concern in Alaska regarding the possibility that the Board may be attempting to restrict fair competition within the state. I sincerely doubt this is the case given how expediently my application was processed. Additionally, it is clearly the case that there is plenty of mental health work throughout Alaska for all levels of practitioners. Additionally, it is my understanding that the Board is not responsible for overseeing unlicensed counseling services provided by other mental health professionals. Rather, the Board plays the vital role of assuring that all psychological services provided within Alaska are provided by adequately trained psychologists. The practice of psychology has been demonstrated to involve a unique set of skills and knowledge. The Board should continue to exist in order to assure that individuals who claim to be able to provide psychological

services possess these specialized skills and knowledge and are able to apply them in a competent and ethical manner.

If Alaska does not continue to have a Board of Psychologists and Psychological Associate Examiners, I and many other Psychologists may reconsider our decision to practice in Alaska. While I was in graduate school in Wyoming, I was very aware of the period during which Alaska did not have a licensing law for psychologists. Prior to accepting employment in Alaska, I made certain that a licensing law existed within the State. I am sure that other well trained Clinical Psychologists currently enrolled in graduate programs would similarly research the licensing laws prior to moving to Alaska. If we are interested in attracting competent professionals to Alaska in the future, it is imperative that Alaska have an ongoing licensing board composed of practicing psychologists. Thank you for your attention to this matter.

Sincerely,



Paul L. Craig, Ph.D.
Psychologist, Director

PLC:mb

cc: Members of the Board of Psychologists and
Psychological Associate Examiners

November 10, 1932

Harry D. Treager
Director
Department of Commerce and Economic Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

Dear Mr. Treager:

I would like to urge the Legislature of the State of Alaska to vote in favor of the continuation of the Board of Psychologists and Psychological Associate Examiners. The existence of the Board serves chiefly as a means of protection for the citizens of Alaska against the potential abuses posed by unregulated, self-designated, "experts" representing themselves to the public as knowledgeable about the highly complex science and practice of Psychology.

Although I was myself put to some inconvenience in my attempt to obtain licensure as a psychologist in Alaska, and might currently be working as a psychologist there were it not for unavoidable delays in obtaining my license, I never questioned the necessity of having to demonstrate to a Board of Examiners, charged with screening the quality of training and experience of applicants for licensure, that I met their standards of professional adequacy. I understand the importance of the Board's work, and strongly urge the legislators of Alaska not to deny Alaskans this important protection.

Sincerely,

Mildred J. McIntyre, Ph.D.
Mildred J. McIntyre, Ph.D.

cc: James J. Greenough, Ph.D.

P.O. Box 1034
Bethel, AK 99559
11-07-67

Harry B. Tremp, Director
Division of Occupational Licensing
Pouch, W
Juneau, AK 99511

Dear Mr. Tremp;

As a professional, respectful of his
trade & jealous of his hard-earned
qualifications & certification as a Credentialed
Specialist in the field of psychology, I
am vigorously supporting and
urging the continuation & rigorous
licensure and surveillance, by
a highly qualified Licensing Board
of Examiners of all professional
psychologists in other than a clinical
setting, who practice without
supervision of a Ph.D. level, licensed
psychologist. Furthermore, it seems
essential that there continue to be
the same two, distinct levels of
licensure. Please communicate the
concerns to the state governing
bodies.

Thank you,
L. J. [unclear]



CENTER FOR
PSYCHOLOGICAL/COUNSELING
SERVICES

3098 AIRPORT WAY
FAIRBANKS, ALASKA 99701-5599
(907) 456-4409

FRANK J. GOLD, Ed.D.
Registered Psychologist

BARRY M. LEVIT, M.Ed.
Psychological Associate

CYNTHIA E. AIKEN, M.S.
Certified Counselor

November 4, 1982

Mr. Harry Treager
Dept. of Commerce and Economic Development
Division of Occupational Licensing
Pouch D.
Juneau, Alaska 99801

Dear Mr. Treager,

In response to your letter of 10-12-82, regarding the discontinuation of the psychology board, I have the following to say. I am in favor of licensure, meaningful and equitable statutes, and a board strong enough to monitor the profession. I do not support these things to solely or even primarily protect the public. I'm not sure they are that much in need of it, nor do I see that the private sector could do more harm than the public sector, which is unregulated. An individual currently working for a non-profit organization can legitimately call himself a psychologist by virtue of his employer alone. This is inequitable. I do support the above partially for protection, partially for consistency, and partially for the public who seemingly needs regulation in order to feel secure.

The legislature should consider the following documents in their debate on licensure. Chapters 10 and 12 taken from "The Regulation of Psychotherapists". These were provided to me by yourself. These chapters were most enlightening and certainly broaden the scope of what a successful regulatory structure should encompass. Secondly, the Performance Review of the board dated August 12, 1981, # 08-121-1054-R, should be looked at thoroughly.

As always, my primary emphasis is on the licensure of Masters Level people. Please pay close attention to page 14 of the audit, recommendation No. 8. Pay close attention also to the makeup of the board relative to educational level. The statutes, the regulation of Psychological Associates, and the professional attitude towards Psychological Associates must change.

Data and experience do not support the inequities applied to the practice of almost any job of a psychological nature. There is no reason then, short of economics, to restrict the independent practice of psychology at the Psychological Associate level, to restrict the benefits that the public could derive from the many competent practitioners at this level, or to restrict one from earning a living because he can't or will not meet the requirements established for him by those totally unempathetic with the reality.

I have recently heard that in many ways the board is doing better, I sincerely hope this is true. I cannot stress enough however, that in my experience, the audit hits the nail on the head as far as historical problems. Obviously, others agreed. If the necessary time and effort, along with some open-mindedness, are put into the task, a well structured set of statutes, regulations, and a capable board can be developed.

Sincerely,

Barry Levit M.ED.

Barry Levit
Psychological Associate # AA0201

Dear Mr. Treager,

I am writing to you concerning the "sunsetting" of AS 08.03.010, the licensing law for psychologists and psychological associates. It is my belief that psychologists should monitor themselves, both individually and as a profession, to insure quality services are being delivered to the public. To this end I support the need for a State of Alaska Board of Examiners for Psychology. Nevertheless, based on the research I have read, as well as my personal experience, I am skeptical of the usefulness of a paper-and-pencil measure of psychological information as a primary criterion for licensing psychology practitioners. I would hope that the next session of the Alaska legislature would reinstate the Board of Examiners of Psychologists and Psychological Associates, of which you are Director. At the same time, I would encourage the Board to develop more comprehensive criteria (e.g. interviews with applicants; oral exams; case conference reviews) for the licensing of future practitioners.

Sincerely,

Jay T. McClamara, PhD
AK License # HA 0210

20, 11
2 17 1982

ASSA
Roe R. Erickson
Psychologist



October 22, 1982

Harry D. Treager
Department of Commerce & Economic
Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99801

Dear Mr. Treager:

I am writing to you as a licensed psychologist about the possible "sunsetting" of the Board of Psychologists and Psychological Associate Examiners in 1983. In doing so, I am not aware of your own personal position, but I would like to express my own to you as a professional.

First of all, I have never understood why several states have undertaken the process of sunseting various boards while are mandated to monitor quality services for a variety of professions. Is it expense of running the boards? Is it part of the recent deregulation process occurring in many industries? Is it an outgrowth of the philosophical attempt to reduce "government?"

Whatever the purpose, I believe some quality control of psychologists is necessary, even after years of graduate training. I am proud to have my license and I know that other professionals and agencies look at me as more skilled and experienced than a non-licensed psychologist. The license does not guarantee perfection, but it does mean that I have passed through the "final hoop" of peer critique through written and oral examinations. Thus, the fact that I have a license probably is a positive indicator that enough professionals have sanctioned me as a good provider of services. My group of peers have not found anything to contraindicate usefulness, and licensing status thus exists as something that can be taken away from me should I deviate from the standards of ethics. That all by itself is a very powerful deterrent, in that removal of a license is shameful to one's reputation.

Let me tell you honestly that I do not believe the licensing process in most states is necessarily a good predictor of skill, but it is much better than no review process at all. Please write to me with your reactions to my thoughts about sunseting.

Sincerely,
Stephen J. Cummings
Stephen J. Cummings, Ph.D.
Licensed Psychologist

I don't know whether or not you remember me - you helped me on a fishing boat before you took the position E.D.C. At that time, I was impressed by your objectivity & integrity. It occurred to me that you may not have seen this article. It sets forth concrete rationale for licensure & spells out the impact on the consumer. I am endlessly encountering clients who have been misinformed & mistreated by incompetent & unethical practitioners in Alaska. Fuddists & "Fringe" therapists have flocked to Anchorage & the consumer has very

When shopping for a therapist, look for the license

Finding a qualified therapist in Anchorage is no easy matter. There is a confusing array of services offered by practitioners who have a wide range of training and approaches.

As a consumer of health services, you can't be expected to evaluate the credentials of health service practitioners. However, the state can legally act in the public interest by licensing professional health practice.

If your therapist is a psychologist or a clinical social worker, here are 10 reasons why he or she should be licensed:

- This assures that when you engage a therapist, that person has had high levels of education, training and supervised

experience. Licensed providers have been screened and evaluated carefully in terms of specific standards before they are allowed independently to provide services to you. The license also assures you that those standards are uniform from state to state, so if you are in therapy when you move, it is very likely the therapy can continue without major disruption.

- It provides a requirement that your therapist must continue his/her education and stay up to date on recent developments.
- It ensures privileged communications between you and your therapist (confidentiality).
- It discourages the use of fads and untested or experi-



dr. ken mueller

mental forms of therapy.

- Insurance reimbursement is possible. If your therapist is licensed, your insurance company has a standard for recognition and payment of this important health benefit to its subscribers.
- It ensures an enforceable

code of professional conduct. The license can be denied, suspended or revoked to counter a threat to the public welfare.

- It assures you that your therapist is a member of a profession that will police itself. For example, the ethical standards of psychologists are stricter than any other set of standards regarding independent practice.

- It demonstrates respectability and accountability. Your therapist voluntarily applies for licensure. By so doing, he/she is making an effort to upgrade the quality of professional services. Your therapist should also be active with a state association. Submitting to peer review is an act of good faith.

- It provides an opportunity

for you to press for redress of grievances without costly litigation.

- It helps consumers identify reputable therapists. Licensure makes qualified therapists more accessible by making it easier to find them. According to Will Bukland of the American Psychological Association, this results in increased competition in economic terms among professionals licensed in the same category, resulting in stability of fees and lower costs.

When licensing boards are under public review, grievances often emerge about their performance. Of course, the value of licensure to you, as a potential consumer of such services, clearly outweighs the problems that occasionally re-

sult from board performance. The bath water may be changing, but the baby is worth saving.

Clinical social workers presently working toward a licensure bill so they can more effectively police themselves. This should directly benefit those who turn to them for help.

Licensure isn't a guarantee that you and your therapist will work effectively together, but it does increase the probability of a positive outcome by assuring that your therapist has rigorous standards.

Dr. Mueller is an Anchorage psychologist.

...difficult to evaluate professionals. I am personally aware of several stalled marriages, families, & the personal health of individuals have been harmed by unethical practitioners. I can only imagine it's going to get worse as word gets out to the lower 48 that Alaska sunsetted its board & doesn't regulate psychology. It's quite serious & I hope you can help a new board under a new law to organize for more effective functioning. We sure need your help with this. So do many others. Thanks. Ron

HSG 83-00017422 PRTY 1 07/83 17:13:57 ORIG: 01 IN= 0017 OUT= 0101
FROM: SHIRLEE ANC L10 TO: POMS JUNEAU INFO
TARGET: LUNL SUBJ: POM

3/7/83, SHIRLEE ANC L10 13422

TO: REPRESENTATIVES FURNACE, UEHLING, RINGSTAD,
COWDERY, MALONE, WENDTE AND KOPONEN
SENATORS JOSEPHSON, V. FISCHER, P. FISCHER,
HALFORD, MOSS AND FAIKS

FROM: STEPHEN J. CUMMINGS, ANCH. COMMUNITY MENTAL HEALTH CENTER
3944 SPENARD ROAD, ANCHORAGE AK 99503
W 243-5411

I WOULD LIKE TO HEARTILY ENDORSE SUPPORT FOR SENATE BILL 109,
AND ITS COMPANION BILL, HOUSE BILL 181, TO ENSURE CONTINUING
LICENSURE OF PSYCHOLOGISTS. WITHOUT SUCH PROFESSIONAL
REGULATION, OTHER STATES HAVE FOUND THAT ALL SORTS OF IRREGULAR
AND IRRESPONSIBLE PRACTITIONERS HAVE FOUND THEIR WAY INTO THE
MARKETPLACE POSING AS TRAINED PSYCHOLOGISTS.

IN FACT, TO TOP IT ALL OFF, THE STATE OF FLORIDA LAST
YEAR INADVERTENTLY LICENSED A HAMSTER TO PRACTICE
PSYCHOLOGY IN THE SUNSHINE STATE WHEN THEY SUNSETED
THEIR PSYCHOLOGY BOARD.

[RECEIVED]

MAR 08 1983

Josephson,

**NATIONAL
ASSOCIATION OF
SOCIAL WORKERS, INC.**

P.O. Box 10430
Fairbanks, Alaska 99701
907-458-5914



BOARD OF DIRECTORS

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Fairbanks - '83

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Fairbanks - '83

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Executive Director
Marsha Schneider, MSW
Fairbanks

TO: REPRESENTATIVE WALT FURNACE
Chairman, Commerce & Labor
SENATOR JOE JOSEPHSON
Chairman, HESS

The Alaska Chapter of the National Association of Social Workers supports the recommendation by the Alaska Psychological Association that the terms "psychotherapy" and "psychotherapist" be deleted from the Psychology Practices Act, AS 08.86.120.

Psychotherapy is a counseling technique that is not used exclusively by psychologists and psychiatrists. Other mental health professionals including clinical social workers are also trained to use psychotherapy with clients in mental health settings. To call oneself a "psychotherapist" means simply that one uses the techniques of "psychotherapy" in one's practice.

Marsha Schneider
Executive Director
Alaska Chapter - National Association of Social Workers

ALPA ALASKA PSYCHOLOGICAL ASSOCIATION

Senator Jan Fairs
Senator Joe Josephson
Representative Bette Caro
Pouch "V"
Juneau, AK 99811

7 Mar 1983

Esteemed Legislators,

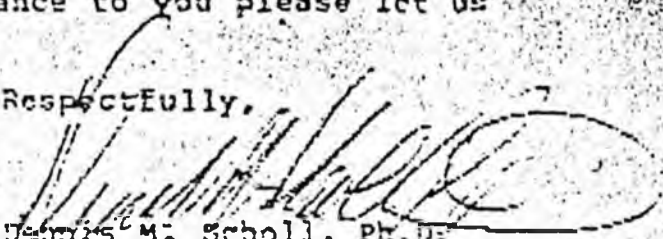
The Alaska Psychological Association wishes to convey to you our support for the continuation of the Board of Psychologist and Psychological Associate Examiners. The bills under your sponsorships (SB 189 and HB 161) do accomplish the necessary changes and provide for an appropriate continuation date for the board. Your sponsorships are very appreciated.

The Association considers licensure by a Board of our colleagues to be a primary assurance to the public that when they seek help from a "Psychologist" they can feel reasonably confident that they are receiving competent and qualified services from a professional who is bound by a valuable code of ethics.

Some supportive material related to licensure of psychologists is included with this letter. Additional material of relevance has been forwarded by mail. Additionally, testimony provided in 1982 regarding the former SB 823 may be valuable to you in perceiving the nature of and amount of support for such legislation as you have sponsored. Your bills are supported by the consuming public, by the profession and now by the Director of the Division of Occupational Licensing. We hope others in the legislature also see the merit of these bills and support them.

If we can be of any further assistance to you please let us know.

Respectfully,


Dennis M. Scholl, Ph.D.
Executive Officer

March 3, 1982

The Honorable Jaimar Kerttula
 President of the Senate
 Alaska State Legislature
 Pouch V, State Capitol
 Juneau, AK 99811

Dear Mr. President:

In compliance with AS 44.66.050 and referral by the President of the Senate, the Health, Education and Social Services Committee has conducted a sunset review of the Board of Psychologist and Psychological Associate Examiners.

The Committee utilized Legislative Audit report 78-121-1054-R, A Performance Review of the Board of Psychologist and Psychological Associate Examiners, dated August 12, 1981; the Committee's own report, Senate HESS Committee Activities during Interim, dated December 1981; 82 Goals and Objectives and the Annual Performance Report of the Board of Psychologist and Psychological Associate Examiners.

Testimony was received from the Director and the Management Analyst of the Division of Occupational Licensing, four current members of the board, the auditor from the Division of Legislative Audit, the President and Executive Director of the Alaska Psychological Association and two psychologists. Written communications were received from fifteen persons, many concerned with holding further hearings in Anchorage.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding:

A sizable part of the population suffers at some time or other from mental illness, most commonly in the less severe forms. There is a need to ensure that persons who treat mental illness are competent and the public is protected from the incompetent.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding:

To insure quality mental health care by professionals, and promote high standards throughout the state.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding:

There are no similar or conflicting programs.

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Mike J. Colletta
 Mike J. Colletta

Tim Kelly
 Tim Kelly

(4) an assessment of alternative methods of achieving the purposes of the program.

Finding:

Provide licensing through the Division of Occupational Licensing on the basis of education, experience, references and successful completion of the National Exam (E'PP).

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.

Finding:

The board is necessary to guarantee professional competency. Funding at a lower level would reduce frequency of meetings and strain efficiency in the testing, investigative and regulatory functioning of the board.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts;

Finding:

There would be no guarantee of public protection if licensing were eliminated. There is no other agency performing the same functions.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding:

The Board has succeeded in developing many regulations recommended by the Division of Legislative Audit. Legislation introduced by the Committee will clearly define board powers, eliminate specialty designation and clarify the professionals under the jurisdiction of the Board. It is recommended that the governor's office review appointments to the Board.

The Health, Education, and Social Services Committee finds that:

1. The Board of Psychological and Psychological Associate Examiners should be continued.
2. The Board should continue development of Psychological Associate regulations to facilitate entry of qualified persons into the profession.

4. The Board should continue examination and develop

Charles H. Parr
Charles H. Parr, Chairman

Terry Stinson
Terry Stinson

Vig Fischer
Vig Fischer

The Honorable Jalmar Kerttul
President of the Senate
Alaska State Legislature
Pouch V, State Capitol
Juneau, AK 99811

Dear Mr. President:

In compliance with AS 44.66, President of the Senate, the Services Committee has conducted an examination of the Board of Dental Examiners.

The Committee utilized Legislation 08-101-1038-R, A Performance Examiners, dated July 17, 1981, Senate HESS Committee Activities, dated December 1981, and written testimony from the Board.

Testimony was received from the Board of Occupational Licensing and the Board of Examiners assigned to work with the Board (formerly president) and one from the Secretary of the Alaska State Communications were received. The Board seemed to associate the Board with the dental care.

Findings required by AS 44.66

(1) an identification of the programs and activities of the Board that are intended to address;

Finding:

People need dental care. The Board of Dental Examiners should continue to develop regulations to facilitate entry of qualified persons into the profession.

Methods of achieving the

Division of Occupational
Licensing, experience,
and reputation of the National

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Developing many regulations
Legislative Audit.
Committee will clearly
specialty designation
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Special Services Committee

Psychological Associate

Development of Psychological
Associate entry of qualified
into the professional

Regulations for continuing

- The Board should continue improvement of state examination and develop an examination committee.

Charles H. Parr
Charles H. Parr, Chairman

Mike J. Colletta
Mike J. Colletta

Terry Stinson
Terry Stinson

Tim Kelly
Tim Kelly

Vig Fischer
Vig Fischer

March 5, 1982

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V, State Capitol
Juneau, AK 99811

Dear Mr. President:

In compliance with AS 44.66.050 and referral by the President of the Senate, the Health, Education and Social Services Committee has conducted a sunset review of the Board of Dental Examiners.

The Committee utilized Legislative Audit report 08-101-1038-R, A Performance Review of the Board of Dental Examiners, dated July 17, 1981; the Committee's own report Senate HESS Committee Activities during Interim, dated December 1981, and written information submitted by the Board.

Testimony was received from the Director of the Division of Occupational Licensing and the Division staff person assigned to work with the Board, from one current member (formerly president) and one former member of the Board, and from the Secretary of the Alaska Dental Society. Written communications were received from six persons, some of whom seemed to associate the Board with the high cost of dental care.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding:

People need dental care, which is often painful and can be dangerous. Practitioners must be well-qualified. Since neither school training nor peer review can be relied upon to assure that practitioners are well qualified, it is necessary to provide for licensure and discipline under state auspices.

12 AAC 60 is amended by adding a new section to read:

12 AAC 60.185. ETHICS AND STANDARDS. (a) The ethics to be adhered to by licensed psychologists and licensed psychological associates shall be the "Ethical Principles of Psychologists," (1981 revision), of the American Psychological Association.

(b) The standards to be adhered to by licensed psychologists and licensed psychological associates rendering psychological services in the state shall be the "Standards for Providers of Psychological Services," (January 1977 edition), of the American Psychological Association. (Eff. / / , Reg.)

Authority: AS 08.86.080

12 AAC 60 is amended by adding a new article to read:

ARTICLE 6. CONTINUING EDUCATION

Section

- 250. Statement of purpose of continuing education
- 260. Hours of continuing education required
- 270. Computation of continuing education
- 280. Computation of academic continuing education hours
- 290. Accepted subjects
- 300. Approved nonacademic continuing education programs
- 310. Individual study
- 320. Instructor or discussion leader
- 330. Publications and presentations
- 340. Reinstatement
- 350. Report of continuing education

12 AAC 60.250. STATEMENT OF PURPOSE OF CONTINUING EDUCATION. The purpose of continuing psychology education is to insure that the renewal of licenses is contingent upon proof of continued competency and assure the consumer of an optimum quality of psychological health care by requiring licensed psychologists and psychological associates to pursue education designed to enhance and advance their professional skills and knowledge. (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(6)

12 AAC 60.260. HOURS OF CONTINUING EDUCATION REQUIRED. (a) An applicant for renewal of a license as a psychologist, or a psychological associate, originally issued before July 1, 1981, shall obtain 40 credit hours of documented continuing education before the June 30, 1985 application for renewal.

(b) Each psychologist or psychological associate seeking renewal of his or her license on or after July 1, 1985, must obtain an average of 20 credit hours per year of

documented continuing education during the previous licensing period. (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(5)

12 AAC 60.270. COMPUTATION OF CONTINUING EDUCATION HOURS. (a) For the purposes of 12 AAC 60.250--12 AAC 60.310, 50 minutes of instruction constitutes one hour.

(b) Credit is given only for full hours of instruction received and not for a fraction of an hour.

(c) Credit is given only for class attendance hours and not for hours devoted to class preparation. (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(6)

12 AAC 60.280. COMPUTATION OF ACADEMIC CONTINUING EDUCATION HOURS. (a) One quarter hour academic credit from a college or university constitutes 10 hours of continuing education.

(b) One semester hour academic credit from a college or university constitutes 15 hours of continuing education. (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(6)

12 AAC 60.290. ACCEPTED SUBJECTS. (a) In order to be accepted by the board, the subject of a continuing education program must contribute directly to the professional competency of a person licensed to practice as a psychologist or a psychological associate and be directly related to the concepts of psychological principles, ethics or practices as defined in AS 08.86.230(2). (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(6)

12 AAC 60.300. ACCEPTED NONACADEMIC CONTINUING EDUCATION PROGRAMS. (a) The following programs are accepted by the board if they meet the requirements of 12 AAC 60.290:

(1) professional development programs of the American Psychological Association and its state societies including workshops, seminars, symposia, or a presentation of a technical paper;

(2) college or university short courses not carrying academic credit; and

(3) other professional continuing education programs if information is supplied to the board as follows:

- (A) name and address of person or organization sponsoring the course;
- (B) instructor's name;
- (C) title of course; and
- (D) the number of full fifty minute hours of actual instruction; and
- (E) the location and dates the course was conducted. (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(6)

12 AAC 60.310. INDIVIDUAL STUDY. (a) The number of hours of continuing education credit awarded for completion of a formal correspondence program, videotape program, audio-cassette program, or other individual study program which requires registration and provides evidence of satisfactory completion will be determined by the board on an individual basis.

(b) Continuing education credit awarded under this section may not exceed one half of the total continuing education hours required in any licensing renewal period. (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(6)

12 AAC 60.320. INSTRUCTOR OR DISCUSSION LEADER. (a) One hour of continuing education credit is awarded for each hour completed as an instructor or discussion leader of educational programs meeting the requirements of 12 AAC 60.250-.310. Credit is awarded only for the initial course of instruction of the subject matter unless there have been substantially new developments in the subject since the prior presentation.

(b) Credit awarded under (a) of this section may not exceed one-third of the hours in any licensing period. (Eff. / / , Reg.)

Authority: AS 08.86.070(a)(6)

12 AAC 60.330. PUBLICATIONS AND PRESENTATIONS. (a) Twenty (20) credit hours of continuing education will be awarded for each

(1) authorship of a publication in a professional psychology journal, providing the publication relates directly to the concepts of psychological principles, ethics or practices, and is published or accepted for publication during the four year reporting period immediately preceding the license renewal; and

(7) the number of continuing education hours claimed.

(b) Falsification of any written evidence submitted to the board pursuant to this section shall be deemed to be unprofessional conduct and constitute grounds for licensure reprimand, revocation or suspension. (Eff / / , Reg.)

Authority: AS 08.86.070(a)(6)

PROPOSED REGULATIONS
BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL
ASSOCIATE EXAMINERS

12 AAC 60.090(a) and (b) are repealed.

12 AAC 60 is amended by adding a new article to read:

ARTICLE 6. GENERAL PROVISIONS

Section
950. Definitions

12 AAC 60.950. DEFINITIONS. In this chapter and AS 08.86:

(1) "accreditation" means:

(A) an accredited school is one which is accredited by any regional accrediting agency recognized by the American Association of Collegiate Registrars and Admissions Offices.

(B) an accredited doctoral program is one which has been approved by the American Psychological Association or which is clearly equivalent to the standard used by the American Psychological Association. The burden of establishing equivalent standards rests with the applicant.

(2) "reasonable cause or excusable neglect" means:

(A) chronic illness;

(B) retirement;

(C) military service; and

(D) hardships as individually determined by the board.

(3) "technical meeting" means a professional meeting incorporating formal written or oral presentations of psychology related research, theory or applied topics.

(4) "appropriate supervision" as used in AS 08.86.180(b)(1) means supervision by a licensed psychologist consistent with accepted professional priorities in psychology and with the supervising licensed being responsible for insuring the extent, kind, and quality of the psychological services performed are consistent with the training and experience of the supervised person.

(5) "professional incompetence" as used in AS 08.86.204(7)(A) means lacking sufficient knowledge,

Register

PROFESSIONAL AND
VOCATIONAL

12 AAC 60.950

skills, or professional judgement in that field of practice in which the psychologist or psychological associate concerned engages, to a degree likely to endanger the mental health or well-being of his or her patients. (Eff. / / ,
Reg.)

Authority: AS 08.86.080