

H B

4 2 4

(7)

Date referred: 2/26/86

(referrals changed 2/24 & 2/26)

FURTHER REFERRALS:

FINANCE

DATE: April 8, 1986

HEALTH, EDUCATION AND  
The SOCIAL SERVICES

Committee has considered HB 424

"An Act establishing the Board of Behavioral Science Examiners; amending Rule 504 of the Alaska Rules of Evidence; and providing for an effective date."

and recommends:

do pass

do not pass

do pass with attached amendment(s)

no recommendation

replace with CS HB 424 (HESS)

same title

new title

and recommends no minimum mandator

further referral to the \_\_\_\_\_ Committee

and attaches:

letter of intent

first fiscal note

new fiscal note

zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Max J. Gumbert <sup>NO REC</sup> ~~DO NOT PASS~~  
Lacie Hurley No Rec.  
John J. Taylor NO PASS  
Wills Kogman no rec.  
Debra Munday - No Rec.

Max J. Gumbert Co-Chair  
Chairman  
Wills Kogman Co-Chair

Original sponsor: Pignalberi

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 424 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Board of Behavioral Science;  
7 regulating marital and family therapists; amending  
8 Rule 504 of the Alaska Rules of Evidence; and provid-  
9 ing for an effective date."

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

11 \* Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds  
12 that the practice of the marital and family therapy profession affects the  
13 safety and welfare of the public and requires regulation and control by the  
14 state in the public interest.

15 (b) The purpose of this Act is to establish a regulatory board and  
16 procedures to ensure that the public is protected from the unprofessional,  
17 improper, and unauthorized practice of the marital and family therapy  
18 profession. This Act shall be liberally construed to carry out this  
19 purpose.

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

21 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

22 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

23 Sec. 08.15.010. BOARD ESTABLISHED. There is established a Board  
24 of Behavioral Science.

25 Sec. 08.15.020. MEMBERSHIP. (a) The board consists of two  
26 persons from the behavioral science profession regulated by the board  
27 and one member of the public.

28 (b) Each professional member must

29 (1) be licensed in the behavioral science profession

1 (2) for the four years immediately preceding appointment,  
2 have been engaged in the active practice of the behavioral science  
3 profession corresponding to the board position to which the person is  
4 being appointed.

5 Sec. 08.15.030. BOARD APPOINTMENTS. (a) The governor shall  
6 appoint the members of the board subject to confirmation by the legis-  
7 lature for staggered terms of three years.

8 (b) The governor may not appoint the same person more than once  
9 to fill an unexpired term on the board. A person may not serve as a  
10 member of the board for more than two consecutive terms.

11 Sec. 08.15.035. REMOVAL OF BOARD MEMBERS. The governor may  
12 remove a member of the board for good cause, including:

- 13 (1) neglect of duty;  
14 (2) incompetence;  
15 (3) prolonged illness that impairs the execution of board  
16 duties;  
17 (4) unprofessional conduct;  
18 (5) conviction of a felony;  
19 (6) judgment impaired by the use of alcohol or another  
20 drug;  
21 (7) unexcused absences from board meetings;  
22 (8) conviction of a crime involving moral turpitude;  
23 (9) an emotional disturbance that prevents the member from  
24 carrying out board duties;  
25 (10) addiction or dependence on alcohol or another drug.

26 Sec. 08.15.040. MEETINGS. (a) In addition to the meeting  
27 required by AS 08.01.070(3), the board may hold additional meetings at  
28 the call of the chairperson or a majority of the board members.

29 (b) The board may hold by teleconference the additional meetings

1 allowed under (a) of this section.

2 Sec. 08.15.050. POWERS OF THE BOARD. The board may

3 (1) examine applicants and issue licenses to qualified  
4 applicants;

5 (2) place specialty designations on the licenses of appli-  
6 cants who meet the standards determined by the board for specialty  
7 designation;

8 (3) establish continuing education requirements for license  
9 renewal, after consulting with the standards committee for the behav-  
10 ioral science profession for which the continuing education require-  
11 ments are established;

12 (4) hold hearings, and order the disciplinary sanction of a  
13 person who violates this chapter or a regulation of the board;

14 (5) report annually to the governor and the department on  
15 the board's proceedings;

16 (6) perform the administrative duties required by AS 08.-  
17 01.070;

18 (7) establish standards for supervisors and supervision;

19 (8) adopt by regulation a code of ethics for each behav-  
20 ioral science profession regulated by the board;

21 (9) enforce the provisions of this chapter and adopt regu-  
22 lations necessary to implement this chapter.

23 Sec. 08.15.060. STANDARDS COMMITTEES. (a) The board shall ap-  
24 point a standards committee for each behavioral science profession  
25 that it regulates, comprised of one board member from the behavioral  
26 science profession and the public member of the board.

27 (b) Each standards committee may advise the board about the  
28 licensing and regulation of the behavioral science profession that is  
29 the subject of that standards committee and may make recommendations

1 to the board on the following items for the profession:

- 2 (1) the granting of licenses;
- 3 (2) the examination for licensure;
- 4 (3) the grading of examinations;
- 5 (4) regulation changes;
- 6 (5) initiation of investigations or disciplinary proceed-
- 7 ings;
- 8 (6) penalties for violations of this chapter;
- 9 (7) licensure guidelines or criteria for licensure;
- 10 (8) supervision requirements; and
- 11 (9) continuing education requirements for license renewal.

12 (c) Each standards committee may act as a liaison between the

13 board and educational institutions and perform other functions that

14 the board requests.

15 (d) A recommendation of a standards committee is not final until

16 the board approves the recommendation.

17 (e) A decision of the board relating to a behavioral science

18 profession regulated by the board is not effective unless it is ap-

19 proved by the members of the standards committee for the behavioral

20 science profession.

21 Sec. 08.15.070. PROCEDURES. The Administrative Procedure Act

22 (AS 44.62) applies to regulations and to board proceedings, but only

23 AS 44.62.310 - 44.62.312 apply to standards committee proceedings.

24 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

25 Sec. 08.15.110. QUALIFICATIONS FOR EXAMINATION. (a) An appli-

26 cant for the marital and family therapist examination shall furnish

27 evidence satisfactory to the board that the applicant

28 (1) has a master's degree or doctorate from an accredited

29 educational institution approved by the board, or the person has

1 completed a course of study that meets the requirements of the Ameri-  
2 can Association for Marriage and Family Therapy;

3 (2) after satisfying (1) of this subsection, has

4 (A) practiced marital and family therapy within the  
5 three years immediately preceding the application for the number  
6 of hours of direct clinical contact required by the American  
7 Association for Marriage and Family Therapy; and

8 (B) received in the clinical contact required by (A)  
9 of this paragraph under supervisors approved by the board the  
10 individual and group supervision required by the American Asso-  
11 ciation for Marriage and Family Therapy.

12 (b) The board may not allow an applicant who fails an examina-  
13 tion given under this section to take a subsequent examination for a  
14 period of six months from the date of the examination that the appli-  
15 cant failed.

16 Sec. 08.15.120. APPROVED SUPERVISORS. (a) Except for super-  
17 vision required to satisfy AS 08.15.110(a)(1), a person may not super-  
18 vise a person in the practice of marital and family therapy unless the  
19 person is approved by the board.

20 (b) The board shall approve as a supervisor a person who

21 (1) applies to the board for the approval;

22 (2) is licensed under this chapter to practice marital and  
23 family therapy.

24 (c) Notwithstanding (b) of this section, the board shall approve  
25 as a supervisor a member of a mental health profession other than the  
26 marital and family therapy profession if the person meets the criteria  
27 established by the board for approval of a member of another mental  
28 health profession as a supervisor.

29 (d) The board may cancel its approval of a person as a

1 supervisor if the person commits an act listed in AS 08.15.960, fails  
2 to satisfy the continuing education requirements established by the  
3 board for supervisors under AS 08.15.050(3), or otherwise violates a  
4 provision of this chapter.

5 (e) A person providing supervision under this section is respon-  
6 sible for ensuring that the extent, kind, and quality of services  
7 performed by the person being supervised are consistent with the  
8 training and experience of that person.

9 Sec. 08.15.130. SCOPE OF PRACTICE. A person licensed as a  
10 marital and family therapist may assess, diagnose and treat mental and  
11 emotional disorders that are referenced in the standard diagnostic  
12 nomenclature for marital and family therapy, whether cognitive, affec-  
13 tive, or behavioral, within the context of human relationships, par-  
14 ticularly marital and family systems. Marital and family therapy  
15 involves rendering or offering to render for a fee

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

21 (2) the professional application of assessments and treat-  
22 ments of psychotherapeutic services to individuals, couples, or fam-  
23 ilies for the purpose of treating the diagnosed emotional and mental  
24 disorders.

25 Sec. 08.15.140. USE OF TITLE. (a) Unless licensed as a marital  
26 and family therapist under this chapter, a person may not use the  
27 title "marital and family therapist" or a title, designation, or  
28 device indicating or suggesting that the person is a marital and  
29 family therapist.

1 device indicating or suggesting that the person is a marital and  
2 family therapist.

3 (b) A person who has satisfied the requirement of AS 08.15.-  
4 110(a)(1) shall use the title "marital and family therapy associate",  
5 or other title that is approved by the board, while practicing marital  
6 and family therapy under AS 08.15.110(a)(2).

7 ARTICLE 3. GENERAL PROVISIONS.

8 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a  
9 license to practice a behavioral science profession to an individual  
10 who

11 (1) applies on a form provided by the department;

12 (2) pays the fee established by the department under  
13 AS 08.01.065; and

14 (3) passes the written examination administered by the  
15 department on behalf of the board.

16 Sec. 08.15.920. TEMPORARY LICENSE. (a) The board shall issue a  
17 temporary license to an individual who satisfies the requirements for  
18 a permanent license, except for taking the examination, and who has  
19 been approved by the board to take the examination.

20 (b) An individual may practice under a temporary license until  
21 the board issues the results of the first examination given after  
22 issuance of the person's temporary license and either issues or denies  
23 a permanent license to the individual.

24 (c) If a licensee under this section does not take the next  
25 examination given after the issuance of the temporary license, the  
26 board may renew the licensee's temporary license until the board  
27 issues the results of the next examination, if the licensee provides  
28 satisfactory proof to the board that the licensee had good cause for  
29 not taking the examination.

1           Sec. 08.15.930. LICENSE BY CREDENTIALS. The board shall, with-  
2 out examination, issue a license to practice a behavioral science  
3 profession to an individual who

4           (1) has an active license as a behavioral science profes-  
5 sional in another state that has requirements for the license or  
6 certificate that are substantially equal to or greater than the re-  
7 quirements of this state;

8           (2) applies on a form provided by the department;

9           (3) pays the fee established by the department under AS 08..  
10 01.065; and

11           (4) furnishes evidence satisfactory to the board that the  
12 individual

13           (A) has not engaged in conduct that is a ground for  
14 disciplinary sanctions under AS 08.15.960;

15           (B) is not the subject of an unresolved complaint,  
16 review procedure, or disciplinary proceeding relating to the  
17 behavioral science profession of the individual undertaken by a  
18 professional association or regulatory authority;

19           (C) has not failed the examination of this state for  
20 the behavioral science profession; or

21           (D) has not previously had a license to practice  
22 revoked by this state or another jurisdiction.

23           Sec. 08.15.940. RENEWAL OF LICENSE. A license issued under this  
24 chapter expires two years from the date of issue. A license may be  
25 renewed by payment of the fee required by AS 08.01.065 and by satis-  
26 faction of the continuing education requirements established by the  
27 board for the renewal of the license.

28           Sec. 08.15.950. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral  
29 science professional licensed under this chapter may not disclose

1 information provided to the licensee by a client in the course of  
2 their professional contact. This prohibition does not apply if the

3 (1) client provides written consent to the licensee to  
4 reveal the communication;

5 (2) client is incompetent and the guardian or personal  
6 representative provides written consent to the licensee to reveal the  
7 communication;

8 (3) client is dead and a beneficiary of an insurance policy  
9 on the client's life provides written consent to the licensee to  
10 reveal the communication;

11 (4) communication discloses that a crime has been committed  
12 or reveals an intent to commit a crime;

13 (5) client is a minor, the communication discloses that the  
14 client was the victim of a crime or harmful act, and the licensee  
15 reveals the communication only during the course of an official ex-  
16 amination, trial or other proceeding in which the commission of the  
17 crime or harmful act is a subject of inquiry;

18 (6) client brings charges against the licensee and the  
19 licensee reveals the communication only as necessary to defend the  
20 charges;

21 (7) licensee is subpoenaed to testify in court;

22 (8) licensee is collaborating or consulting with profes-  
23 sional colleagues or an administrative superior on behalf of the  
24 client;

25 (9) communication discloses information that the licensee  
26 is required by state or federal law or regulation to disclose.

27 Sec. 08.15.960. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
28 TIONS. After a hearing, the board may impose a disciplinary sanction  
29 on a person licensed under this chapter when the board finds that the

1 person

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

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

7 (3) advertised professional services in a false or mislead-  
8 ing manner;

9 (4) has been convicted of a crime that has a substantial  
10 relationship to the licensee's activities and services or that affects  
11 the person's ability to continue to practice competently and safely;

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

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

15 (A) professional incompetence;

16 (B) addiction or dependence on alcohol or another drug  
17 that may endanger the public by impairing the person's ability to  
18 practice;

19 (C) physical or mental disability;

20 (7) engaged in lewd or immoral conduct in connection with  
21 the delivery of professional services;

22 (8) had a license to practice in another jurisdiction  
23 suspended or revoked for any reason except a fee dispute;

24 (9) has violated a code of ethics adopted by board regula-  
25 tion for the behavioral science profession for which the person is  
26 licensed.

27 Sec. 08.15.970. DISCIPLINARY SANCTIONS. (a) When it finds that  
28 a licensee has committed an act listed in AS 08.15.960, the board may  
29 impose the following sanctions singly or in combination:

1 (1) permanently revoke a license to practice;  
2 (2) suspend a license for a determinate period of time;  
3 (3) censure a licensee;  
4 (4) issue a letter of reprimand;  
5 (5) place a licensee on probationary status and require the  
6 licensee to

7 (A) report regularly to the board on matters involving  
8 the basis of probation;

9 (B) limit practice to prescribed areas;

10 (C) continue professional education until a satisfac-  
11 tory degree of skill has been attained in those areas determined  
12 by the board to need improvement;

13 (6) impose limitations or conditions on the practice of a  
14 licensee.

15 (b) The board may withdraw a limitation, condition, or proba-  
16 tionary status if it finds that the deficiency that required the  
17 sanction has been remedied.

18 (c) The board shall seek consistency in the application of  
19 disciplinary sanctions, and the board shall explain in its findings of  
20 fact or orders a significant departure from prior decisions involving  
21 similar situations.

22 Sec. 08.15.980. PROHIBITED ACTS AND PENALTY. (a) A person may  
23 not

24 (1) practice a behavioral science profession regulated by  
25 this chapter for which the person is not licensed under this chapter;

26 (2) use a title prohibited to the person under AS 08.15.140  
27 or indicating or representing that the person practices or is licensed  
28 to practice a behavioral science profession regulated by this chapter  
29 for which the person is not licensed under this chapter;

1           (3) advertise that the person practices a behavioral sci-  
2           ence profession regulated by this chapter for which the person is not  
3           licensed under this chapter.

4           (b) A person who violates (a) of this section is guilty of a  
5           class B misdemeanor.

6           Sec. 08.15.985. EXEMPTIONS. (a) This chapter does not apply to  
7           a person who practices a behavioral science profession regulated by  
8           this chapter

9           (1) consistent with the accepted standards and code of  
10          ethics of the person's profession and as part of the person's duties  
11          as

12                   (A) a psychologist or psychological associate;

13                   (B) a physician or psychiatrist;

14                   (C) an attorney or judge;

15                   (D) a member of the clergy;

16                   (E) a student, intern, or resident pursuing a course  
17          of study approved by the board as appropriate training for a  
18          behavioral science profession regulated by the board, if the  
19          activities of the student, intern, or resident constitute a part  
20          of a supervised course of study and the student, intern, or  
21          resident is designated by a title that indicates that the person  
22          is training to be a behavioral science professional;

23                   (2) in a community of less than 6,000 persons; or

24                   (3) for a nonprofit health organization.

25          (b) In this section,

26                   (1) "community" means a municipality or an unincorporated  
27          group of individuals residing in the same geographic area as a social  
28          unit;

29                   (2) "nonprofit" organization means an association of

1 persons where no part of the income or profit of the organization is  
2 distributable to the members, except as reimbursement for expenses  
3 incurred by a member on behalf of the organization; "nonprofit" organ-  
4 ization includes a corporation organized under AS 10.20 and a corpora-  
5 tion that is exempt under 26 U.S.C. 501 from payment of federal income  
6 tax.

7 Sec. 08.15.990. DEFINITIONS. In this chapter

8 (1) "advertise" includes issuing or causing to be dis-  
9 tributed a card, sign or device to a person, or causing, permitting or  
10 allowing a sign or marking on or in a building or structure, or in a  
11 newspaper, magazine, or directory, or on radio or television, or using  
12 other means designed to secure public attention;

13 (2) "behavioral science professional" means a marriage and  
14 family therapist;

15 (3) "board" means the Board of Behavioral Science;

16 (4) "supervision" means face-to-face consultation, direc-  
17 tion, review, evaluation and assessment of the practice of the person  
18 being supervised, including direct observation and the review of case  
19 presentations, audio tapes and video tapes.

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

21 (24) Board of Behavioral Science (AS 08.15.010).

22 \* Sec. 4. AS 08.01.050(a) is amended to read:

23 (a) The department shall provide the following administrative  
24 and budgetary services when appropriate:

25 (1) collect fees and issue receipts;

26 (2) maintain records and files;

27 (3) issue and receive application forms;

28 (4) notify applicants of acceptance or rejection of appli-  
29 cants as determined by the board;

1 (5) designate dates examinations are to be held and notify  
2 applicants;

3 (6) publish notice of examination;

4 (7) arrange space for holding examinations;

5 (8) notify applicants of results of examinations;

6 (9) issue licenses and certificates or temporary licenses  
7 or certificates as authorized by the board;

8 (10) issue duplicate licenses or certificates upon proof by  
9 the licensee of loss of the original and payment by the licensee of a  
10 fee of \$2 except as otherwise provided in this title;

11 (11) notify licensees of renewal dates at least 30 days  
12 before the expiration date of their licenses;

13 (12) compile and maintain current a register of licenses;

14 (13) answer routine inquiries;

15 (14) maintain files relating to individual licensees;

16 (15) arrange for printing and advertising;

17 (16) purchase supplies;

18 (17) employ secretarial help when needed;

19 (18) perform other services that [WHICH] may be requested by  
20 the board;

21 (19) provide investigative services to the boards estab-  
22 lished under AS 08.04, AS 08.15, AS 08.20, AS 08.36, AS 08.64, AS 08.-  
23 68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86,  
24 for the purpose of assisting those boards in matters of professional  
25 discipline and in responding to consumer complaints.

26 \* Sec. 5. AS 08.02.010(a) is amended to read:

27 (a) A behavioral science professional licensed under AS 08.15, a  
28 [A] person licensed in the state as a chiropractor under AS 08.20, a  
29 dentist under AS 08.36, a medical practitioner or osteopath under

1 AS 08.64, a registered nurse under AS 08.68, an optometrist under  
2 AS 08.72, a registered pharmacist under AS 08.80, a registered phys-  
3 ical therapist under AS 08.84, or a psychologist under AS 08.36, shall  
4 use as professional identification appropriate letters or a title  
5 after that person's name which represents that person's specific field  
6 of practice. The letters or title shall appear on all signs, station-  
7 ery or other advertising in which the person offers or displays  
8 personal professional services to the public. In addition, a person  
9 engaged in the practice of medicine or osteopathy under AS 08.64.-  
10 380(2), or a person engaged in any manner in the healing arts who  
11 diagnoses, treats, tests, or counsels other persons in relation to  
12 human health or disease and uses the letters "M.D." or the title  
13 "doctor" or "physician" or another [ANY OTHER] title that [WHICH]  
14 tends to show that the person is willing or qualified to diagnose,  
15 treat, test, or counsel another person, shall clarify the letters or  
16 title by adding the appropriate specialist designation, if any, such  
17 as "dermatologist", "radiologist", "audiologist", "naturopath", or the  
18 like.

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

20 (21) Board of Behavioral Science (AS 08.15.010) -- June 30,  
21 1990.

22 \* Sec. 7. AS 09.55.560(1) is amended to read:

23 (1) "health care provider" means a behavioral science  
24 professional licensed under AS 08.15; a chiropractor licensed under  
25 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-  
26 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
27 optician licensed under AS 08.71; an optometrist licensed under  
28 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
29 licensed under AS 08.84; a physician licensed under AS 08.64; a

1        podiatrist; a psychologist and a psychological associate licensed  
2        under AS 08.86; and a hospital as defined in AS 18.20.130, including a  
3        governmentally owned or operated hospital; a corporate entity covered  
4        under AS 21.88.050(b)(12); and an employee of a health care provider  
5        acting within the course and scope of employment;

6        \* Sec. 8. AS 21.88.900(a)(9) is amended to read:

7                (9) "health care provider" means a behavioral science  
8        professional licensed under AS 08.15; a chiropractor licensed under  
9        AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-  
10       censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
11       optician licensed under AS 08.71; an optometrist licensed under  
12       AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
13       licensed under AS 08.84; a physician licensed under AS 08.64; a podia-  
14       trist; a psychologist and a psychological associate licensed under  
15       AS 08.86; and a hospital as defined in AS 18.20.130, including a  
16       governmentally owned or operated hospital; a corporate entity covered  
17       under AS 21.88.050(b)(12); and an employee of a health care provider  
18       acting within the course and scope of employment;

19        \* Sec. 9. AS 39.50.200(b) is amended by adding a new paragraph to read:

20                (48) Board of Behavioral Science (AS 08.15.010)

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

23                (53) Board of Behavioral Science (AS 08.15.010).

24        \* Sec. 11. AS 47.17.070(9) is amended to read:

25                (9) "practitioner of the healing arts" includes chiroprac-  
26        tors, dental hygienists, dentists, health aides, nurses, nurse practi-  
27        tioners, optometrists, osteopaths, physical therapists, physicians,  
28        physician's assistants, psychiatrists, psychologists, psychological  
29        associates, behavioral science professionals licensed under AS 08.15,

1 religious healing practitioners, and surgeons;

2 \* Sec. 12. INITIAL APPOINTMENTS TO THE BOARD. When making the initial  
3 appointments of professional members to the Board of Behavioral Science the  
4 governor shall consider an individual licensed for the purpose of AS 08.-  
5 15.020 if the individual qualifies to take an examination for a license  
6 under AS 08.15.110; however, the educational institutions referred to in  
7 AS 08.15.110(a)(1), and the supervisors required by AS 08.15.110(a)(2)(B),  
8 do not need to have been approved or authorized by the Board of Behavioral  
9 Science.

10 \* Sec. 13. Notwithstanding AS 08.15, as enacted by sec. 2 of this Act,  
11 the Board of Behavioral Science shall issue a license to practice a behav-  
12 ioral science to a person who applies within one year of the effective date  
13 of this section and who on that date either

14 (1) qualifies to take an examination for a license under AS 08.-  
15 15.110, except that the educational institutions referred to in AS 08.15.-  
16 110(a)(1), and the supervisors required by AS 08.15.110(a)(2)(B), do not  
17 need to have been approved or authorized by the Board of Behavioral  
18 Science;

19 or

20 (2) is practicing the behavioral science in the state and is a  
21 clinical member of a national certifying body.

22 \* Sec. 14. Notwithstanding AS 08.15.120, as enacted by sec. 2 of this  
23 Act, the Board of Behavioral Science shall approve as a supervisor for  
24 marital and family therapy a person who

25 (1) has been a clinical member of the American Association of  
26 Marriage and Family Therapy for two years or more;

27 (2) has practiced marital and family therapy for three years or  
28 more; and

29 (3) applies for approval as a supervisor within one year of the  
effective date of this Act.

1 \* Sec. 15. AS 08.15.950, enacted by sec. 2 of this Act has the effect  
2 of amending Rule 504 of the Alaska Rules of Evidence by creating for a  
3 behavioral science professional licensed under secs. 2 or 13 of this Act, a  
4 privilege to refuse to disclose information.

5 \* Sec. 16. Sections 1 - 6 and 9 - 18 of this Act take effect immedi-  
6 ately in accordance with AS 01.10.070(c).

7 \* Sec. 17. Section 7 of this Act takes effect July 1, 1986.

8 \* Sec. 18. Section 8 of this Act takes effect July 1, 1987.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CASHB 424 (HESS)  
 Title: An Act establishing the Board of Behavioral Science; regulating marital and family therapists; amending Rule 504...  
 Sponsor: House HESS  
 Requester: House HESS  
 Date of Request: 4/7/86

**FISCAL DETAIL**

Agency Affected: Commerce & Econ. Dev.  
 BRU: Occupational Licensing  
 Components: \_\_\_\_\_

**EXPENDITURES / REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		1.2	1.3	1.3	1.4	1.5
CONTRACTUAL		2.5	2.6	2.8	2.9	3.1
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>3.7</b>	<b>3.9</b>	<b>4.1</b>	<b>4.3</b>	<b>4.6</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		11.8	3.0	9.6	1.6	12.8
---------	--	------	-----	-----	-----	------

**FUNDING: (Thousands of dollars)**

GENERAL FUND		3.7	3.9	4.1	4.3	4.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>3.7</b>	<b>3.9</b>	<b>4.1</b>	<b>4.3</b>	<b>4.6</b>

**POSITIONS:**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary.

The bill establishes a structure in which professions relating to behavioral sciences can be incorporated into one licensing board. The bill also establishes the licensing of marital and family therapists. This agency has been informed that there are approximately 20 marital and family therapists who would be affected by this legislation upon passage. (See attached for further explanation.)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144

Division: Occupational Licensing Date: 4-7-86

Approved by Commissioner: [Signature] Date: 4-7-86

Agency: Commerce and Economic Development

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

Expenditures consists of the following:

Travel -

One face-to-face meeting in Anchorage, assuming the three board members are from each of the following locations:

<u>LOCATION</u>	<u>TRAVEL</u>	<u>PER DIEM</u>	
Anchorage	\$ -0-	\$ 80	
Juneau ( one member + Licensing Examiner)	704	160	
Fairbanks	212	80	
	<u>\$ 916</u>	<u>320</u>	= \$ 1,236.00
Total Travel Costs			<u>\$ 1,236.00</u>

Contractual -

Teleconferences:

One 6-hour teleconference meeting using the LTN System at \$50 per site/per hour. Anchorage, Juneau and Fairbanks.  
 $\$50 \times 3 = \$150 \times 6 =$  \$ 900.00

One 2-hour regulation teleconference hearing using the LTN System at \$50 per site/per hour. Anchorage, Juneau & Fairbanks.  
 $\$50 \times 3 = \$150 \times 2 =$  300.00

Public Notices:

Two board meetings, printed in three newspapers each at \$20 per notice.  $\$20 \times 3 = \$60 \times 2 =$  120.00

One regulations public notice, printed in three newspapers at \$60 each = 180.00

Postage, printing, telephone and other operating costs 1,000.00

Total Contractual Costs \$ 2,500.00

Grand Total: \$ 3,736.00

REVENUES:

Licensing fees were calculated based on costs incurred over a two-year licensing period, including \$2.1 yearly on-going overhead costs (estimated from a similar existing licensing function), and considering there are 20 marital and family therapists.

FY 87: Assuming there will be 20 licensees: $\$590 \times 20 =$	\$ 11.8	
		\$ 3.7 - FY 87
		2.1 - overhead
		3.9 - FY 88
		<u>2.1 - overhead</u>
		\$11.8



STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 4/8/86

**REQUEST**

Bill/Resolution No.: CSHB 424 (HESS)  
 Title: An Act establishing the Board of Behavioral Science; regulating marital and family therapists; amending Rule 504...  
 Sponsor: House HESS  
 Requester: House HESS  
 Date of Request: 4/8/86

**FISCAL DETAIL**

Agency Affected: Commerce & Economic Dev.  
 BRU: Occupational Licensing  
 Components: \_\_\_\_\_

**EXPENDITURES / REVENUES: (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		1.2	1.3	1.3	1.4	1.5
CONTRACTUAL		2.5	2.6	2.8	2.9	3.1
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		3.7	3.9	4.1	4.3	4.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		12.0	.8	12.0	.6	14.4
---------	--	------	----	------	----	------

**FUNDING: (Thousands of dollars)**

GENERAL FUND		3.7	3.9	4.1	4.3	4.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		3.7	3.9	4.1	4.3	4.6

**POSITIONS:**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary.

The bill establishes a structure in which professions relating to behavioral sciences can be incorporated into one licensing board. The bill also establishes the licensing of marital and family therapists. This agency has been informed that there are approximately 80 marital and family therapists who would be affected by this legislation upon passage. (See attached for further explanation.)

Prepared by: Jennifer Strickler, Management Analyst

Phone: 465-2144

Division: Occupational Licensing

Date: 4-8-86

Approved by Commissioner: [Signature]

Date: 4-8-86

Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

Expenditures consists of the following:

Travel -

One face-to-face meeting in Anchorage, assuming the three board members are from each of the following locations:

<u>LOCATION</u>	<u>TRAVEL</u>	<u>PER DIEM</u>	
Anchorage	\$ -0-	\$ 80	
Juneau (one member + Licensing Examiner)	704	160	
Fairbanks	212	80	
	<u>\$ 916</u>	<u>+ \$ 320</u>	= <u>\$ 1,236.00</u>
	Total Travel Costs		\$ 1,236.00

Contractual -

Teleconferences:

One 6-hour teleconference meeting using the LTN System at \$50 per site/per hour. Anchorage, Juneau and Fairbanks.  
 $\$50 \times 3 = \$150 \times 6 =$  \$ 900.00

One 2-hour regulation teleconference hearing using the LTN System at \$50 per site/per hour. Anchorage, Juneau & Fairbanks.  
 $\$50 \times 3 = \$150 \times 2 =$  300.00

Public Notices:

Two board meetings, printed in three newspapers each at \$20 per notice.  $\$20 \times 3 = \$60 \times 2 =$  120.00

One regulations public notice, printed in three newspapers at \$60 each = 180.00

Postage, printing, telephone and other operating costs 1,000.00

Total Contractual Costs \$ 2,500.00

Grand Total: \$ 3,736.00

REVENUES:

Licensing fees were calculated based on costs incurred over a two-year licensing period, including \$2.1 yearly on-going overhead costs (estimated from a similar existing licensing function), and considering there are 80 marital and family therapists.

FY. 87: Assuming there will be 80 licensees: $\$150 \times 80 =$	\$ 12.0	
		\$ 3.7 - FY 87
		2.1 - overhead
		3.9 - FY 88
		2.1 - overhead
		<u>\$11.8</u>
		-12.0
		.2 balance



Official Business

# Alaska State Legislature

## House

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 6, 1986

Dear Colleague:

Attached is a copy of CSHB424(L&C) and an index of enclosures.

Work was begun on this legislation in 1982 and a bill was introduced in 1984 to establish a board for marital and family therapists. During Senate HESS committee hearings that year, the Committee requested that marital and family therapists work with social workers and professional counselors to attempt to develop a joint bill.

The bill before the HESS Committee today is a result of that. This bill will enable those involved in the behavioral science professions to establish a basis for adopting professional standards in their field.

A number of states, including California, Florida, Georgia, and Virginia, have established behavioral science boards and, according to a report done October 1, 1982 by the Commission on Professional and Occupational Licensures, Michigan Department of Licensing and Regulation, "One item of note in the survey of other states is the trend towards the combined behavioral science practitioner regulatory agency... In Alaska, the Department of Commerce and Economic Development, according to a recent report, is exploring the feasibility of a board of mental health practitioners which would license qualified practitioners by a consistent set of standards it believes to be in the public interest."

This is the bill creating that board which will establish the framework for identifying basic qualifications, credentials and competence levels for those calling themselves professional behavioral scientists.

I request that you analyze it and support it.

Yours truly,  
*Marco*  
Marco A. Pignalberi  
Representative

MAP:mep

House HESS Committee

P A C K E T   C O N T E N T S

CSHB 424 (L&C)

Pignalberi - March 6, 1986

<u>Tab</u>	<u>Description</u>	<u>Date</u>
A	Anchorage Daily News Editorial	4/15/85
B	CSHB 424 (L&C) text	2/18/86
C	Sectional Analysis of CSHB 424 (L&C)	2/26/86
D	Department of Health and Social Services Position Paper, with Fiscal Note	3/5/86
E	Department of Commerce and Economic Development Fiscal Note and Analysis	2/14/86
F	Barbara Dale, Special Staff Assistant to the Governor: Boards and Commissions Memorandum to Representative Pignalberi	2/13/86
G	Attorney General Memorandum by Peter Froehlich to Barbara Dale	2/12/86
H	POM by Pat Reeves, President, Alaska Association of Counseling and Development	2/12/86
I	POM by Jean Maxwell	2/11/86
J	POM by Lawrence D. Burton	2/11/86
K	United Food & Commercial Workers Union letter of support	2/28/86
L	Boards and Commissions List	

4-15-85

# Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly  
Publisher

Howard Weaver  
Managing Editor

Steve Lindbeck  
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983  
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded In 1946 by Norman C. Brown

## State should set firm licensing standards

One effort deserving eleventh-hour support in the legislature this year is a move to institute licensing standards and procedures for family and marriage therapists, social workers and other clinical therapists.

Legislation is being crafted to provide professional standards and enforcement that will both give the public some assurance of competence in the field and offer practicing professionals a means of establishing their credentials and competence.

Requirements for coursework and supervised professional experience would be based on standards developed by national professional associations. And a licensing procedure would allow qualified professionals to be covered more frequently under health insurance plans, and thus encourage competent practitioners to come to Alaska to practice.

Our state needs them. Problems of family violence, sexual abuse, alcoholism, isolation, divorce, loneliness and unresolved conflict are rampant in Alaska. Statistics reflecting those issues — statistics of crime, violence, family breakup and the like — barrage us constantly with evidence of social disruption in our state.

Given that expenditures for mental health care in Alaska rank among the lowest in the 50 states, the least the state could do is provide an avenue for licensing of competent professionals who can help people confront problems on their own.

Offered: 2/19/86  
Referred: Judiciary and  
Finance

Original sponsor: Pignalberi

BY THE LABOR AND COMMERCE  
COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 424(L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Board of Behavioral Science;

7

amending Rule 504 of the Alaska Rules of Evidence;

8

and providing for an effective date."

9

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

10

\* Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds

11

that the practice of the behavioral science professions affects the safety

12

and welfare of the public and requires regulation and control by the state

13

in the public interest.

14

(b) The purpose of this Act is to establish a regulatory board and

15

procedures to ensure that the public is protected from the unprofessional,

16

improper, and unauthorized practice of the behavioral science professions.

17

This Act shall be liberally construed to carry out this purpose.

18

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

19

(24) Board of Behavioral Science (AS 08.15.010).

20

\* Sec. 3. AS 08.01.050(a) is amended to read:

21

(a) The department shall provide the following administrative

22

and budgetary services when appropriate:

23

(1) collect fees and issue receipts;

24

(2) maintain records and files;

25

(3) issue and receive application forms;

26

(4) notify applicants of acceptance or rejection of appli-

27

cants as determined by the board;

28

(5) designate dates examinations are to be held and notify

29

applicants;

- 1 (6) publish notice of examination;
- 2 (7) arrange space for holding examinations;
- 3 (8) notify applicants of results of examinations;
- 4 (9) issue licenses and certificates or temporary licenses
- 5 or certificates as authorized by the board;
- 6 (10) issue duplicate licenses or certificates upon proof by
- 7 the licensee of loss of the original and payment by the licensee of a
- 8 fee of \$2 except as otherwise provided in this title;
- 9 (11) notify licensees of renewal dates at least 30 days
- 10 before the expiration date of their licenses;
- 11 (12) compile and maintain current a register of licenses;
- 12 (13) answer routine inquiries;
- 13 (14) maintain files relating to individual licensees;
- 14 (15) arrange for printing and advertising;
- 15 (16) purchase supplies;
- 16 (17) employ secretarial help when needed;
- 17 (18) perform other services which may be requested by the
- 18 board;
- 19 (19) provide investigative services to the boards estab-
- 20 lished under AS 08.04, AS 08.15, AS 08.20, AS 08.36, AS 08.64, AS 08.-
- 21 68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86,
- 22 for the purpose of assisting those boards in matters of professional
- 23 discipline and in responding to consumer complaints.

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

- 25 (a) A behavioral science professional licensed under AS 08.15, a
- 26 [A] person licensed in the state as a chiropractor under AS 08.20, a
- 27 dentist under AS 08.36, a medical practitioner or osteopath under
- 28 AS 08.64, a registered nurse under AS 08.68, an optometrist under
- 29 AS 08.72, a registered pharmacist under AS 08.80, a registered

1 physical therapist under AS 08.84, or a psychologist under AS 08.86,  
2 shall use as professional identification appropriate letters or a  
3 title after that person's name which represents that person's specific  
4 field of practice. The letters or title shall appear on all signs,  
5 stationery or other advertising in which the person offers or displays  
6 personal professional services to the public. In addition, a person  
7 engaged in the practice of medicine or osteopathy under AS 08.64.-  
8 380(2), or a person engaged in any manner in the healing arts who  
9 diagnoses, treats, tests, or counsels other persons in relation to  
10 human health or disease and uses the letters "M.D." or the title  
11 "doctor" or "physician" or another [ANY OTHER] title that [WHICH]  
12 tends to show that the person is willing or qualified to diagnose,  
13 treat, test, or counsel another person, shall clarify the letters or  
14 title by adding the appropriate specialist designation, if any, such  
15 as "dermatologist", "radiologist", "audiologist", "naturopath", or the  
16 like.

17 \* Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:  
18 (21) Board of Behavioral Science (AS 08.15.010) -- June 30,  
19 1990.

20 \* Sec. 6. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

22 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

23 Sec. 08.15.010. BOARD ESTABLISHED. There is established a Board  
24 of Behavioral Science.

25 Sec. 08.15.020. MEMBERSHIP. (a) The board consists of two  
26 persons from each behavioral science profession regulated by the board  
27 and one member of the public for each behavioral science profession  
28 that is regulated by the board.

29 (b) Each professional member must

1 (1) be licensed in the behavioral science profession corre-  
2 sponding to the board position to which the person is being appointed;

3 (2) for the four years immediately preceding appointment,  
4 have been engaged in the active practice of the behavioral science  
5 profession corresponding to the board position to which the person is  
6 being appointed.

7 Sec. 08.15.030. BOARD APPOINTMENTS. (a) The governor shall  
8 appoint the members of the board subject to confirmation by the legis-  
9 lature for staggered terms of three years.

10 (b) The governor may not appoint the same person more than once  
11 to fill an unexpired term on the board. A person may not serve as a  
12 member of the board for more than two consecutive terms.

13 Sec. 08.15.040. MEETINGS. The board may hold teleconference  
14 meetings in addition to the minimum required by AS 08.01.070(3) at the  
15 call of the chairperson or a majority of the board members.

16 Sec. 08.15.050. POWERS OF THE BOARD. The board may

17 (1) examine applicants and issue licenses to qualified  
18 applicants;

19 (2) issue certificates to persons who meet the standards  
20 determined by the board for specialty certification;

21 (3) establish continuing education requirements for license  
22 renewal after consulting with the standards committee for the behav-  
23 ioral science profession for which the continuing education require-  
24 ments are being established;

25 (4) hold hearings, and order the disciplinary sanction of a  
26 person who violates this chapter or a regulation of the board;

27 (5) report annually to the governor and the department on  
28 the board proceedings each year;

29 (6) perform the administrative duties required by

1 AS 08.01.070;

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

4 (8) enforce the provisions of this chapter and adopt regu-  
5 lations necessary to make the provisions of this chapter effective.

6 Sec. 08.15.060. STANDARDS COMMITTEES. (a) The board shall ap-  
7 point a standards committee for each behavioral science profession  
8 that it regulates under this chapter, comprised of the two board  
9 members from the behavioral science profession and a public member of  
10 the board.

11 (b) Each standards committee may advise the board about the  
12 licensing and regulation of the behavioral science profession that is  
13 the subject of that particular standards committee and may make rec-  
14 ommendations to the board on the following items for that profession:

15 (1) the granting of licenses;  
16 (2) the examination for licensure;  
17 (3) the grading of examinations;  
18 (4) regulation changes;  
19 (5) initiation of investigations or disciplinary proceed-  
20 ings;

21 (6) penalties for violations of this chapter;  
22 (7) licensure guidelines or criteria for licensure;  
23 (8) supervision requirements; and  
24 (9) continuing education requirements for license renewal.

25 (c) Each standards committee may act as a liaison between the  
26 board and educational institutions and perform other functions that  
27 the board requests.

28 (d) A recommendation of a standards committee is not final until  
29 the board approves the decision. The board may initiate an action or

1 otherwise perform a duty that a standards committee is authorized to  
2 perform.

3 (e) A decision of the board relating to a behavioral science  
4 profession regulated by the board is not effective unless it is ap-  
5 proved by two or more members of the standards committee for that  
6 behavioral science.

7 Sec. 08.15.070 PROCEDURES. The Administrative Procedure Act  
8 (AS 44.62) applies to regulations and to board proceedings, but only  
9 AS 44.62.010 -- 44.62.312 apply to standards committee proceedings.

10 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

11 Sec. 08.15.110. QUALIFICATIONS FOR EXAMINATION. (a) An appli-  
12 cant for the marital and family therapist examination shall furnish  
13 evidence satisfactory the board that the applicant

14 (1) has not engaged in conduct that is a ground for impos-  
15 ing disciplinary sanctions under AS 08.15.970;

16 (2) has a master's degree or doctorate from an accredited  
17 educational institution approved by the board, for which the person  
18 completed a course of study that included one year of supervised  
19 marital and family therapy clinical practice with 500 hours of super-  
20 vised client contact and

21 (A) three courses in marital and family therapy;

22 (B) three courses in marital and family studies;

23 (C) three courses in human development;

24 (D) one course in professional ethics and law;

25 (E) one course in research;

26 (3) after receiving a degree listed in (2), has

27 (A) practiced marital and family therapy within three  
28 years of the person's application, including 1,500 hours of  
29 direct clinical contact with couples and families; and

1 (B) has been supervised by at least two authorized  
2 supervisors in the clinical contact for at least 200 hours,  
3 including at least 100 hours of individual supervision and 100  
4 hours of group supervision approved by the board.

5 (b) The board shall credit an applicant with the hours the  
6 applicant has earned in supervised practice under AS 8.15.120 towards  
7 satisfaction of the hours of supervision required under this section.

8 (c) The board may not allow an applicant who fails an examina-  
9 tion given under this section to take a subsequent examination for a  
10 period of six months from the date of the examination that the appli-  
11 cant failed.

12 Sec. 08.15.120. LICENSE FOR SUPERVISED PRACTICE. (a) The board  
13 shall issue a nonrenewable four-year license for the supervised prac-  
14 tice of marital and family therapy to a person who

- 15 (1) applies on a form approved by the board;
- 16 (2) pays the fee established by the department under  
17 AS 08.01.065;
- 18 (3) furnishes the evidence required by AS 08.15.110(a)(1)  
19 and (2);
- 20 (4) submits to the board a statement of intent to practice  
21 and a plan for supervision.

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

- 23 (1) under the direct supervision of a supervisor approved  
24 by the board; and
- 25 (2) in a clinic, social service agency, or other setting  
26 approved by the board.

27 (c) A licensee under this section shall submit to the board for  
28 its approval a proposed plan for satisfying the supervision require-  
29 ment under AS 08.15.110(a)(3).

1 (d) A licensee under this section shall use the title "marital  
2 therapy associate," "family therapy associate," or other title that is  
3 approved by the board.

4 (e) The board shall revoke a license for supervised practice if  
5 the person fails the marital and family therapist examination.

6 (f) The supervisor is responsible for ensuring that the extent,  
7 kind, and quality of services performed by the supervisee are consis-  
8 tent with the training experience of the licensee.

9 (g) A licensee shall retain records of supervisory contact and  
10 submit them to the board at times specified by the board.

11 Sec. 08.15.130. APPROVED SUPERVISORS. (a) Except for super-  
12 vision under AS 08.15.110(a)(3)(B), a person may not supervise a  
13 person in the practice of marital and family therapy unless the person  
14 is approved by the board.

15 (b) The board shall approve as a supervisor a person who

16 (1) applies to the board for the approval;

17 (2) is licensed under this chapter to practice marital and  
18 family therapy.

19 (c) Notwithstanding (b) of this section, the board shall approve  
20 as a supervisor a member of a mental health profession other than the  
21 marital and family therapy profession if the person meets the criteria  
22 established by the board for approval of a member of another mental  
23 health profession as a supervisor.

24 (d) The board shall establish continuing education requirements  
25 for marital and family therapy supervisors who are approved by the  
26 board.

27 (e) The board may cancel its approval of a person as a supervi-  
28 sor if the person commits an act listed in AS 08.15.170, fails to  
29 satisfy the continuing education requirements established by the board

1 under AS 08.15.050(3), or otherwise violates a provision of this  
2 chapter.

3 Sec. 08.15.140. SCOPE OF PRACTICE. A person licensed as a  
4 marital and family therapist may assess or diagnose and treat mental  
5 and emotional disorders that are referenced in the standard diagnostic  
6 nomenclature for marital and family therapy, whether cognitive, affec-  
7 tive, or behavioral, within the context of human relationships, par-  
8 ticularly marital and family systems. Marital and family therapy  
9 involves rendering or offering to render for a fee

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

15 (2) the professional application of assessments and treat-  
16 ments of psychotherapeutic services to individuals, couples, and  
17 families for the purpose of treating the diagnosed emotional and  
18 mental disorders.

19 ARTICLE 3. SOCIAL WORKERS.

20 Sec. 08.15.210. QUALIFICATIONS FOR EXAMINATION. (a) An appli-  
21 cant for the bachelor social worker (LBSW) examination shall furnish  
22 evidence satisfactory to the board that the applicant

23 (1) has not engaged in conduct that is a ground for disci-  
24 plinary sanctions under AS 08.15.970; and

25 (2) has a bachelor's degree in social work from a school  
26 with a social work program accredited by the Council on Social Work  
27 Education.

28 (b) An applicant for the master social worker examination shall  
29 furnish evidence satisfactory to the board that the applicant

1 (1) has not engaged in conduct that is a ground for disci-  
2 plinary sanctions under AS 08.15.970; and

3 (2) has a master's degree in social work from a school with  
4 a social work program accredited by the Council on Social Work Educa-  
5 tion.

6 (c) An applicant for the independent social worker examination  
7 shall furnish evidence satisfactory to the board that the applicant

8 (1) has not engaged in conduct that is a ground for disci-  
9 plinary sanctions under AS 08.15.970; and

10 (2) has a master's degree in social work from a school with  
11 a social work program accredited by the Council on Social Work Educa-  
12 tion; and

13 (3) has completed at least 24 months of supervised post-  
14 graduate experience approved by the board in the field of specialty in  
15 which the person intends to engage as a private practitioner.

16 Sec. 08.15.240. SCOPE OF PRACTICE. (a) A person licensed as a  
17 bachelor, master, or independent social worker may provide services  
18 that enhance, protect, or restore people's capacity for social func-  
19 tioning whether impaired by physical, environmental, or emotional  
20 factors, guided by professional social work ethics, knowledge and  
21 intervention methods.

22 (b) A social worker may practice psychotherapy only if the  
23 social worker is licensed as an independent social worker with a  
24 clinical specialty or as a master social worker and is employed and  
25 supervised in a clinical setting.

26 (c) A social worker may practice social work autonomously only  
27 if

28 (1) the person is licensed as an independent social worker;

29 (2) the board has approved the specialty in which the

1 person may engage as a private practitioner and authorizes designation  
2 of the speciality on the person's license;

3 (3) the license bearing a designation of speciality is  
4 prominently displayed in the place the person engages in private  
5 practice; and

6 (4) the person limits the private practice of social work  
7 to the designated specialty.

8 ARTICLE 4. PROFESSIONAL COUNSELORS.

9 Sec. 08.15.310. QUALIFICATIONS FOR EXAMINATION. (a) A appli-  
10 cant for the professional counseling examination shall furnish evi-  
11 dence satisfactory to the board that the applicant

12 (1) has not engaged in conduct that is a ground for impos-  
13 ing disciplinary sanctions under AS 08.15.970;

14 (2) has a master's degree or doctorate that is primarily  
15 counseling in content from a regionally accredited institution ap-  
16 proved by the board;

17 (3) has three years of full-time supervised experience in  
18 professional counseling.

19 (b) An applicant may subtract one year of the supervised experi-  
20 ence required by (a)(3) of this section for every 30 graduate semester  
21 hours from an accredited institution obtained beyond the requirements  
22 for a master's degree if the hours are clearly related to professional  
23 counseling. However, an applicant must have at least one year of  
24 required professional experience.

25 Sec. 08.15.340. SCOPE OF PRACTICE. (a) A person licensed as a  
26 professional counselor may render or offer to render for a fee to  
27 individuals, groups, organizations, or the public a counseling service  
28 involving the application of principles, methods, or procedures of  
29 counseling to assist individuals in achieving more effective personal,

1 social, educational, career, and vocational development and adjust-  
2 ment.

3 (b) "Counseling services" includes engaging in methods and  
4 techniques that include

5 (1) "appraisal," which means selecting, administering,  
6 scoring and interpreting instruments designed to assess an individu-  
7 al's aptitudes, attitudes, abilities, achievement, interests, and  
8 personal characteristics, and the use of nonstandardized methods and  
9 techniques for understanding human behavior in relation to coping  
10 with, adapting to, or changing life situations;

11 (2) "consulting," which means the application of scientific  
12 principles and procedures in counseling, guidance and human develop-  
13 ment to provide assistance in understanding and solving a current or  
14 potential problem that the consultee may have in relation to another  
15 party, whether an individual, group or organization;

16 (3) "counseling," which means assisting an individual,  
17 group, or organization through the counseling relationship, to develop  
18 understanding of intrapersonal and interpersonal problems, to define  
19 goals, to make decisions, plan a course of action reflecting the  
20 counselee's needs, interests and abilities, and to use informational  
21 and community resources as these procedures are related to personal,  
22 social education, career, and vocational development and adjustment;

23 (4) "referral," which means evaluating information to  
24 identify needs or problems of the counselee and to determine the  
25 advisability of referral to other specialists, informing the counselee  
26 of the judgment, and communicating as requested or appropriate to  
27 referral sources.

28 ARTICLE 5. GENERAL PROVISIONS.

29 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a

1 license to practice a behavioral science profession to an applicant  
2 who

3 (1) applies on a form provided by the department;

4 (2) pays the fee established by the department under  
5 AS 08.01.065; and

6 (3) passes the written examination administered by the  
7 department on behalf of the board.

8 Sec. 08.15.920. TEMPORARY LICENSE. (a) The board shall issue a  
9 temporary license to an applicant who satisfies all the requirements  
10 for permanent licensure except for passing the examination and who has  
11 been approved by the board to take the examination.

12 (b) A person may practice under a temporary license until the  
13 board issues the results of the first examination given after issuance  
14 of the person's temporary license and either issues or denies a perma-  
15 nent license to the person.

16 (c) If a licensee under this section does not take the next  
17 examination given after the issuance of the temporary license, the  
18 board may renew the person's temporary license until the board issues  
19 the results of the next examination, if the licensee provides satis-  
20 factory proof to the board that the licensee had good cause for not  
21 taking the examination.

22 (d) If a licensee under this section fails the examination, the  
23 board may not renew the person's temporary license.

24 Sec. 08.15.930. LICENSE BY CREDENTIALS. The board shall, with-  
25 out examination, issue a license to practice a behavioral science  
26 profession to a person who

27 (1) is licensed as a behavioral science professional in  
28 another state that has requirements for the license or certificate  
29 that are substantially equal to or greater than the requirements of

1 this state;

2 (2) applies on a form provided by the department;

3 (3) pays the fee established by the department under  
4 AS 08.01.065; and

5 (4) furnishes evidence satisfactory to the board that the  
6 applicant

7 (A) has not engaged in conduct that is a ground for  
8 disciplinary sanctions under AS 08.15.170;

9 (B) is not the subject of an unresolved complaint,  
10 review procedure, or disciplinary proceeding undertaken by a  
11 professional association or regulatory authority;

12 (C) has not failed the examination of this state; or

13 (D) has not previously had a license to practice  
14 revoked in any jurisdiction..

15 Sec. 08.15.940. RENEWAL OF LICENSE. A license issued under this  
16 section expires two years from the date of issue. It may be renewed  
17 by payment of the fee required under AS 08.15.140 and by satisfaction  
18 of the continuing education requirements established by the board for  
19 the renewal of licenses issued under this section.

20 Sec. 08.15.950. FEES. The department shall, by regulations  
21 adopted under AS 08.01.065, establish fees for behavioral science  
22 professionals for the following:

23 (1) application;

24 (2) examination;

25 (3) credential review;

26 (4) license;

27 (5) temporary license;

28 (6) license for supervised practice;

29 (7) renewal of license;

1 (8) renewal of temporary license.

2 Sec. 08.15.960. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral  
3 science professional licensed under this chapter may not disclose  
4 information provided to the licensee by a client in the course of  
5 their professional conduct. This prohibition does not apply if the

6 (1) client provides written consent to the licensee to  
7 reveal the communication;

8 (2) client is incompetent and the guardian or personal  
9 representative provides written consent to the licensee to reveal the  
10 communication;

11 (3) client is dead and a beneficiary of an insurance policy  
12 on the client's life provides written consent to the licensee to  
13 reveal the communication;

14 (4) communication discloses that a crime has been committed  
15 or reveals an intent to commit a crime;

16 (5) client is a minor, the communication discloses that the  
17 client was the victim of a crime or harmful act, and the licensee  
18 reveals the communication only during the course of an official ex-  
19 amination, trial or other proceeding in which the commission of the  
20 crime or harmful act is a subject of inquiry;

21 (6) client brings charges against the licensee and the  
22 licensee reveals the communication only as necessary to defend the  
23 charges;

24 (7) licensee is subpoenaed to testify in court;

25 (8) licensee is collaborating or consulting with profes-  
26 sional colleagues or an administrative superior on behalf of the  
27 client;

28 (9) communication discloses information that the licensee  
29 is required by state or federal laws or regulations to disclose.

1           Sec. 08.15.970. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
2 TIONS. After a hearing, the board may impose a disciplinary sanction  
3 on a person licensed under this chapter when the board finds that the  
4 person

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

7           (2) engaged in deceit, fraud, or intentional misrepresenta-  
8 tion in the course of providing professional services or engaging in  
9 professional activities;

10           (3) advertised professional services in a false or mislead-  
11 ing manner;

12           (4) has been convicted of a felony or other crime that  
13 affects the person's ability to continue to practice competently and  
14 safely;

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

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

18                   (A) professional incompetence;

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

21                   (C) physical or mental disability;

22           (7) engaged in lewd or immoral conduct in connection with  
23 the delivery of professional services to clients;

24           (8) had a license to practice in another jurisdiction  
25 suspended or revoked for any reason except a fee dispute;

26           (9) has violated a code of ethics adopted by board regula-  
27 tion.

28           Sec. 08.15.980. DISCIPLINARY SANCTIONS. (a) When it finds that  
29 a licensee has committed an act listed in AS 08.15.970, the board may

1 impose the following sanctions singly or in combination:  
2 (1) permanently revoke a license to practice;  
3 (2) suspend a license for a determinate period of time;  
4 (3) censure a licensee;  
5 (4) issue a letter of reprimand;  
6 (5) place a licensee on probationary status and require the  
7 licensee to  
8 (A) report regularly to the board on matters involving  
9 the basis of probation;  
10 (B) limit practice to those areas prescribed;  
11 (C) continue professional education until a satisfac-  
12 tory degree of skill has been attained in those areas determined  
13 by the board to need improvement;  
14 (6) impose limitations or conditions on the practice of a  
15 licensee.  
16 (b) The board may withdraw a limitation, condition, or proba-  
17 tionary status if it finds that the deficiency that required the  
18 sanction has been remedied.  
19 (c) The board may suspend a license upon receipt of a certified  
20 copy of evidence that a license to practice medicine in another state  
21 or territory of the United States or province of Canada has been  
22 suspended or revoked. The suspension remains in effect until a hear-  
23 ing can be held by the board.  
24 (d) The board shall seek consistency in the application of  
25 disciplinary sanctions, and the board shall explain a significant  
26 departure from prior decisions involving similar situations in its  
27 findings of fact or orders.  
28 Sec. 08.15.990. PROHIBITED ACTS AND PENALTY. (a) Unless a  
29 person is licensed under this chapter, the person may not

1 (1) practice a behavioral science profession regulated by  
2 this chapter for which the person is not licensed under this chapter;

3 (2) use a title indicating or representing that the person  
4 practices or is licensed to practice a behavioral science profession  
5 regulated by this chapter for which the person is not licensed under  
6 this chapter;

7 (3) advertise that the person practices a behavioral sci-  
8 ence profession regulated by this chapter for which the person is not  
9 licensed under this chapter.

10 (b) A person who violates this chapter or a regulation adopted  
11 under it is guilty of a class B misdemeanor.

12 Sec. 08.15.995. EXEMPTIONS. This chapter does not apply to a  
13 person who practices a behavioral science profession regulated by this  
14 chapter consistent with the accepted standards and code of ethics of  
15 the person's profession and as part of the person's duties as

16 (1) a psychologist or psychological associate;

17 (2) a physician or psychiatrist;

18 (3) an attorney or judge;

19 (4) a member of the clergy;

20 (5) a student, intern, or resident pursuing a course of  
21 study approved by the board as appropriate training for a behavioral  
22 science profession regulated by the board, if the activities of the  
23 student, intern, or resident constitute a part of a supervised course  
24 of study and the student, intern, or resident is designated by a title  
25 that indicates that the person is training to be a behavioral science  
26 professional regulated by the board.

27 Sec. 08.15.999. DEFINITIONS. In this chapter,

28 (1) "advertise" includes issuing or causing to be dis-  
29 tributed a card, sign or device to a person, or causing, permitting or

1 allowing a sign or marking on or in a building or structure, or in a  
2 newspaper, magazine, or directory, or on radio or television, or using  
3 other means designed to secure public attention;

4 (2) "behavioral science professional" means a marriage and  
5 family therapist, a social worker, or a professional counselor;

6 (3) "board" means the Board of Behavioral Science;

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

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

14 \* Sec. 7. AS 09.55.560(1) is amended to read:

15 (1) "health care provider" means a behavioral science  
16 professional licensed under AS 08.15; a chiropractor licensed under  
17 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-  
18 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
19 optician licensed under AS 08.71; an optometrist licensed under  
20 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
21 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-  
22 trist; a psychologist and a psychological associate licensed under  
23 AS 08.86; and a hospital as defined in AS 18.20.130, including a  
24 governmentally owned or operated hospital; a corporate entity covered  
25 under AS 21.88.050(b)(12); and an employee of a health care provider  
26 acting within the course and scope of employment;

27 \* Sec. 8. AS 21.88.900(a)(9) is amended to read:

28 (9) "health care provider" means a behavioral science  
29 professional licensed under AS 08.15; a chiropractor licensed under

1 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-  
2 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
3 optician licensed under AS 08.71; an optometrist licensed under  
4 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
5 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-  
6 trist; a psychologist and a psychological associate licensed under  
7 AS 08.86; and a hospital as defined in AS 18.20.130, including a  
8 governmentally owned or operated hospital; a corporate entity covered  
9 under AS 21.88.050(b)(12); and an employee of a health care provider  
10 acting within the course and scope of employment;

11 \* Sec. 9. AS 39.50.200(b) is amended by adding a new paragraph to read:  
12 (48) an occupational licensing board or commission (AS 08).

13 \* Sec. 10. AS 44.62.530(a) is amended by adding a new paragraph to  
14 read.

15 (53) Board of Behavioral Science (AS 08.15.010).

16 \* Sec. 11. AS 47.17.070(6) is amended to read:

17 (6) "practitioner of the healing arts" includes chiroprac-  
18 tors, dentists, health aides, nurses, optometrists, osteopaths, phys-  
19 ical therapists, physicians, psychiatrists, psychologists, behavioral  
20 science professionals licensed under AS 08.15. religious healing  
21 practitioners, and surgeons;

22 \* Sec. 12. INITIAL APPOINTMENTS TO THE BOARD. (a) Notwithstanding  
23 AS 08.15.030 as enacted by sec. 6 of this Act, the initial appointments of  
24 members to the Board of Behavioral Science are for the following terms:

- 25 (1) three members for a term of one year;  
26 (2) three members for a term of two years;  
27 (3) three members for a term of three years.

28 (b) In making the initial appointments of professional members to the  
29 Board of Behavioral Science, the governor shall consider a person licensed

1 for the purpose of AS 08.15.020 if the person qualifies to take the  
2 examination for the license. The Board of Behavioral Science shall issue a  
3 two-year temporary license to each professional member appointed under this  
4 section.

5 \* Sec. 13. (a) The board shall issue a two-year transitional license  
6 to practice a behavioral science to a person who applies within one year of  
7 the effective date of this section and who on that date either

8 (1) qualifies to take the examination for a permanent license; or  
9 (2) is practicing the behavioral science in the state and is a  
10 clinical member of a national certifying body.

11 (b) The board shall issue a two-year transitional bachelor social  
12 worker license to a person that applies within one year after the effective  
13 date of this section and who on that date

14 (1) holds a degree in social work from a school with a social  
15 work program that is not accredited by the Council on Social Work Education  
16 or a bachelor's or master's degree in a social sciences field related to  
17 social work as defined by the board, and has been practicing under the  
18 title "social worker" for at least 24 consecutive months before July 1,  
19 1988; or

20 (2) has been practicing social work under the supervision of a  
21 person eligible to be licensed under this Act for at least two years; or

22 (3) has practiced social work for at least 24 months total and  
23 for the 24 months before July 1, 1988, has been employed in the administra-  
24 tion of an agency that employs people under the title.

25 (c) Notwithstanding any provisions of new AS 08.15, a person who is  
26 issued a two-year transitional license under this section is eligible to  
27 take the examination for a permanent license of the same category.

28 \* Sec. 14. (a) Notwithstanding AS 08.15.130 enacted by sec. 6 of this  
29 Act the board shall approve as a supervisor a person who

POSITION PAPER

CS FOR HOUSE BILL NO. 424 (L & C)

For an Act entitled: "An Act establishing the Board of Behavioral Science; amending Rule 504 of the Alaska Rules of Evidence; and providing for an effective date."

This bill would establish a Behavioral Science Board composed of representatives of the American Marriage and Family Therapists, National Association of Social Workers, and Professional Counselors, which would set standards for these professions, provide for examination of eligible participants, adopt regulations for persons engaged in those professions and impose disciplinary sanctions. The bill would require that a person be licensed to use the titles: Marriage and Family Therapist, Social Worker and Professional Counselor. The bill regulates confidentiality and the disclosure of information. In relation to persons practicing social work, the bill allows for a two year transitional license for persons currently practicing who have 24 months experience, and for those who have 24 months social work experience and are currently administering programs which supervise social workers. To renew the license, these persons would be required to take an exam at the end of the two years.

The department supports a joint board approach to establishing a licensing board. The Department of Health and Social Services supports efforts to increase professional standards for social workers and other therapists. The department is currently seeking to increase the number of M.S.W. and B.S.W. employees engaged in agency social work, by taking administrative actions which encourage the hiring of these degreed professionals. In addition, the department believes that professional standards for social workers in the private sector would increase public confidence. The bill does present a number of complicated issues that have not been resolved quickly in other states. These areas require special scrutiny and analysis. This position paper first addresses two major issues, followed by a sectional analysis.

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

There are currently 143 Division of Family and Youth Services social workers affected by the bill.

As of January 3, 1986, an educational review of staff qualifications of Division of Family and Youth Services' employees shows that of 143 social worker positions, 2 have Ph.D's, 32 have M.S.W. degrees, 20 have related master's degrees, 15 have B.S.W. degrees, and 57 have related bachelor's degrees. Approximately 50% of social work supervisors have M.S.W. degrees from an accredited social work school. 52% of social work employees have a BSW or above, which represents the agency's strong management effort to continue to improve the credentials of social work staff.

The bill does allow for a two year transitional license for "social workers" who do not meet all of the licensing standards, but who have degrees in social work or related fields and 24 months prior to July 1, 1988. It also allows for a two year transitional license for persons who have practiced social work for 24 months and have, for the 24 months prior to July 1, 1988, been employed in the administration of an agency which employs people under the title. All persons will be required to take an exam, to be determined by the board, at the end of this two year period. This exam requirement could result in a discriminatory situation for currently practicing social workers who practice in a specialized field and who did not attend schools of social work because none were available in Alaska. The department urges an amendment to allow already established state social workers the right to renew their licenses without exam and to continue to practice subject to disciplinary oversight of the new Board of Behavioral Sciences (as well as the supervision and monitoring by the department and "oversight" by the courts and the ombudsman).

B. Effect on State Hiring Practices, Including Local Hire and Affirmative Action Goals:

After the enactment of the bill, the department would be required to hire licensed social workers. After July 1, 1988, it may be difficult to fill all positions, whether public or private, with licensed social workers, especially in rural areas. The bill's strict educational requirements for licensure after July 1, 1988 may impede the state's long-term goals of employing paraprofessional employees and developing a career ladder for them. The department often hires Alaska Native "Social Services Associates" who may eventually become social workers. Many of these employees possess Alaska Native language skills essential to providing services in some rural areas of the state. The bill would probably prevent these persons from advancing beyond the paraprofessional level unless they leave their communities for further education.

II. SECTIONAL ANALYSIS

A. "Grandfathering"

This bill does not provide for an actual "grandfathering" of currently practicing social workers. It only allows for a two year transitional license. The details of the transitional license are in Section 13.

The department urges that Section 13 be revised to read:

Sec. 13 (a) Delete "transitional", add "renewable". The board shall issue a two year renewable license to practice a behavioral science to a person who applies within one year of the effective date of this section and who on that date either...

Sec. 13 (b)(3) amend to read "has practiced under the title of Social Worker within the last five years and is now employed in the administration of an agency that employs people under that title."

Sec. 13 (c) Delete "a two year transitional" and "to take the examination for a permanent license of the same category". Add "renew the licence without examination". Notwithstanding any provisions of new AS 08.15, a person who is issued a license under this section is eligible to renew the license without examination.

B. Financial Impact

Section 8.15.950 indicates that the department will set the fees for licensing. These fees could be very significant and costly to the state employee who does not currently pay any fee.

III. RECOMMENDATIONS

The department supports the concept of a behavioral science board which encompasses three of the counseling professions. Specifically, the department supports the licensure of social workers in both the public and private sector as an additional method to monitor quality and to protect the public, although the department believes accommodation should be made for persons currently employed as social workers. The department recommends that suggested changes in transitional licensure be made to provide for actual grandfathering of persons currently practicing.

RECOMMENDED:

Michael L. Price  
Michael L. Price, Director  
Division of Family  
and Youth Services

DATE:

March 6, 1986

APPROVED:

John R. Pugh  
John R. Pugh, Commissioner  
Department of Health  
and Social Services

DATE:

3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**  
 Bill/Resolution No. : CSHB 424 (L&C)  
 Title : An Act establishing the Board of Behavioral Science  
 Sponsor : Rep. Pignalberi  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**  
 Agency Affected : Commerce & Econ. Dev.  
 BRU : Occupational Licensing  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
TRAVEL		3.6	3.8	4.0	4.2	4.4
CONTRACTUAL		21.2	29.5	8.3	8.3	8.3
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT		3.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		62.5	69.1	49.8	51.8	53.9

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		148.7	107.9	119.0	9.0	187.0
---------	--	-------	-------	-------	-----	-------

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		62.5	69.1	49.8	51.8	53.9
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		62.5	69.1	49.8	51.8	53.9

**POSITIONS :**

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See attached analysis.

Prepared by: Jennifer Strickler, Mgmt. Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 2/14/86  
 Approved by Commissioner: G. J. Rake Date: 2/19/86  
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (L&C)

This Bill creates a Board of Behavioral Sciences to regulate the licensing of social workers, family and marital therapists and professional counselors. An explanation of the costs follows:

### Personal Services:

Request: One Licensing Examiner I, Range 12A, GGU, 12 months, to be located in Juneau:

\$33,145.82

The primary concern of this agency is that current responsibilities prohibit assuring new functions without additional staff. While it is possible that only one-half of an Examiner's time may be required to manage the function of this new Board, a full-time position is necessary because inquiries from the public are not geared towards 'part-time' services in licensing. Staff availability to respond to the public during normal State working hours is crucial to this agency's effectiveness.

### Travel:

Travel costs for the nine board members are based on one face-to-face meeting and exam in Anchorage, assuming members are from Anchorage, Fairbanks and Juneau. This request also includes funding for the attendance of the division's regulations specialist.

### Contractual Services:

Contractual costs consist of the following:

- one full-day teleconference meeting of the board;
- three hour-long standards committee teleconferences (one for each of the standards committees);
- one regulation hearing by teleconference; and
- public notice costs in accordance with AS 44.62.

These costs also include room rental for the meeting and exam; telephone; printing and postage costs; and funding to purchase examinations for 310 examinees in the first year.

### Commodities:

This funding request covers stationery and miscellaneous desk supplies required to support the function.

### Equipment (one-time costs only):

Equipment associated with the Licensing Examiner I position.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (L&C)

Revenues were based on the following:

FY 87: Section 13 of the bill provides for a two year temporary license to be issued to practitioners in current practice. Therefore, it is anticipated that 430 will qualify for the two year license, and 310 will require licensure by examination.

740 x \$30 application fee =	\$ 22.2
430 x \$150 license fee =	64.5
310 x \$50 examination fee =	15.5 in addition to
310 x \$150 license fee =	46.5
TOTAL:	<u>148.7</u>

FY 88: It is anticipated that practitioners holding temporary licenses will be examined during this year in addition to new licensees.

430 x \$30 application fee =	12.9
430 x \$50 examination fee =	21.5
430 x \$150 license fee =	<u>64.5</u>
	98.9
50 new applicants x \$30 application fee =	\$ 1.5
50 x \$150 license fee =	7.5
TOTAL:	<u>107.9</u>

FY 89: New applicants:

50 new applicants x \$30 application fee =	\$ 1.5
50 x \$150 license fee =	7.5

Renewal:

480 paying prorated renewal fee of \$100 =	48.0
310 paying renewal fee of \$200 =	62.0

TOTAL: 119.0

FY 90: New applicants:

50 new applicants x \$30 application fee =	\$ 1.5
50 new applicants x \$150 license fee =	7.5

TOTAL: 9.0

FY 91: New applicants:

50 new applicants x \$30 application fee =	1.5
50 new applicants x \$150 license fee =	7.5
890 licensees renewing x \$200 =	<u>178.0</u>

TOTAL: 187.0



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

MEMORANDUM

TO: The Honorable Marco Pignalberi      DATE: February 13, 1986  
Alaska State Legislature  
House of Representatives

FROM: Barbara A. Dale      SUBJECT: HB 424  
Special Staff Assistant  
to the Governor  
Boards and Commissions

While Governor Sheffield supports the licensing of social workers, the office of Boards and Commissions has a strong preference for a combined board approach to licensing behavioral health professionals.

Governor Sheffield's policy of not supporting the creation of new boards and commissions is based primarily on budget considerations. There are currently over 140 official boards, commissions, councils, and task forces, which accommodate in excess of 1245 participants.

As an example of the expenditure involved, the FY 86 authorized operating budgets of 30 of these boards, councils, and commissions are in excess of 73 million.

The Division of Occupational Licensing, which provides administrative support for 18 existing licensing boards, has shown an increase of 27% in their operating budget since FY 84. Of the 27% increase, only 12% was generated from fees.

It is this office's recommendation that proposed boards, commissions, councils, and task forces be scrutinized for their potential to be combined with like professions, and that there be consideration given to inserting intent language that would instruct Occupational Licensing to set fees that would cover the costs of licensing, administration, and investigation.

cc: Ray Gillespie  
Jim Ayers

# MEMORANDUM

State of Alaska

TO: Barbara Dale  
Special Assistant to Governor  
for Boards and Commissions

DATE: February 12, 1986

FILE NO: 377-068-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown  
Attorney General

By: *PBF*  
Peter B. Froehlich  
Assistant Attorney General  
Legislation/Regulations Section

SUBJECT: Revised draft of  
proposed CS for  
HB 424 (Board of  
Behavioral Science)

Yesterday I delivered to you and distributed copies of the revised draft of a proposed Committee Substitute for HB 424 (Board of Behavioral Science), that I had hoped to finish last week. This revision incorporates some of the suggestions made by the Alaska chapter of the National Association of Social Workers (NASW) in their January 15, 1986 letter, by the Alaska Association of Marriage & Family Therapists (AAMFT) in their February 3, 1986 letter, and the Alaska chapter of the American Association of Counseling and Development (AACD) in a January 30 telephone conversation with Chapter President Pat Reeves. All 3 groups also made some suggestions on the January 29 telephone conference call we had with them.

As you know, this continuing project is a cooperative effort by your office, ours, and the 3 professional organizations to develop HB 424 into an acceptable compromise bill combining the 3 new separate licensing boards sought by these 3 professions into one Board of Behavioral Science. The effort was initiated last summer by your predecessor, Carol Derfner, in an attempt to reconcile the governor's longstanding policy against the creation of new occupational licensing boards with the increasing demands from these 3 professional organizations for 3 separate new boards. It was decided that 1 new combined board was the next best alternative instead of separate new boards for each behavioral science profession. HB 424, following this approach, was introduced late last session by Representative Pignalberi and, although it was incomplete and imperfect, it was chosen as a vehicle for developing a combined behavioral science board bill.

A meeting of all concerned parties, including the staff of the House Labor and Commerce Committee and of the House HESS Committee, was held in Anchorage on September 13, 1985 and we went through HB 424 section-by-section, forging agreement in concept on each provision. The minutes of that meeting are attached. I drafted a proposed CS for HB 424 based on those agreements and sent it to the office of House HESS Committee Co-Chair Gruenberg whose staff had promised to distribute it along with minutes to all who had attended. I also supplied the draft to

you and to Representative Pignalberi. Although I solicited comments and suggestions so I could revise the draft, we heard nothing until the first week of the session when we were contacted by the president of NASW. You then contacted the other professional groups and again solicited their comments, this time successfully.

This redraft of the proposed CS is the result of my synthesis of those comments and of Representative Gruenberg's HB 396 (professional counselors), Senator Fahrenkamp's SB 227 (social workers), Representative Pignalberi's HB 421 (marriage and family therapists), SB 195 (governor's bill on miscellaneous occupational licensing amendments), and, of course, HB 424 (behavioral science), as it was originally introduced.

Some parts of my revised proposed CS for HB 424 may be the focus of some disagreement. Therefore I want to identify them along with some of the general principles I considered in drafting it:

- 1) On page 10 of the bill, in AS 08.15.210(b) and (c) setting the examination qualifications for master and independent level social worker licenses, the language of subsec. (a) was mistakenly repeated. The correct language is on pages 3 and 4 of CSSB 227(Fin) in AS 08.-87.100(b) and (c).
- 2) The justification for occupational licensing is protection of consumers, not protection of professionals from competition within their own profession or from other professions. Therefore, for example, I have not drafted the CS to automatically grandfather all current practitioners into permanent licenses. Rather, a current practitioner who is a clinical member of a national certifying body would be allowed within one year to apply for a two-year temporary license, until the practitioner can take and pass the same exam as other applicants. Section 13 of the bill needs some revision to accomplish this.
- 3) The costs to government of a licensing system should be minimized and should be passed on to those licensed.
- 4) Government's involvement in occupational licensing means that professional associations sacrifice some control. Therefore, as much as possible, the CS should place functions in the department rather than in the board, according to principles of centralized licens-

ing. Examinations should be objective to minimize the need for special expertise and the danger of arbitrariness in grading.

- 5) A combined board is a compromise, so no single profession will get everything it may want in a licensing system.
- 6) Efficiency in drafting and in the operation of a combined board both require that the general provisions in art. 5, on such things as renewals, credential licenses, temporary licenses, and discipline must all be set out only once uniformly for all 3 professions.
- 7) All licensing boards should have as much flexibility as possible to adopt and amend detailed regulations on the specifics of a license system.
- 8) In the interest of preserving the strong executive form of government established by the constitution, all board members should serve at the pleasure of the governor as now provided in AS 08.01.020.

I still have some concerns about parts of the CS, even as I have drafted it. These are mainly focused on the inordinate degree of minute detail regarding marriage and family therapists' eligibility to take the Alaska license exam and the stringent supervision requirements for entry level professionals in that profession only. It seems that these details should be eliminated and the subjects either dealt with in a general way in statute for all 3 professions, or in special ways for each in regulations. NASW seems to agree with this concept in their comments on supervision and approved supervisors of marriage and family therapists.

Another concern I have is the omission of psychologists and the existing board for that profession. That omission of a related and even overlapping profession, while not entirely logical, is apparently a matter of political practicality and the time constraints of this legislative session. The Board of Psychologists and Psychological Associates Examiners will be subjected to sunset review next session. So, whether or not this bill is successful this session, combining the psychologists into a true and complete Board of Behavioral Science can be taken up during that sunset review.

A third concern is that perhaps it would be more efficient and logical for the Department of Commerce and Economic

Barbara Dale, Special Assistant to  
Governor for Boards & Commissions

February 12, 1986  
Page 4

Development to register behavioral science professionals without a board. This approach may well be equally as effective as an expensive and somewhat cumbersome board in protecting clients from dangerously incompetent or unscrupulous professionals.

My primary concern is that SB 227, creating a new social workers board has this session been passed by the Senate and is now in the House HESS Committee before it goes to the House Finance Committee. This bill, HB 424, creating a single combined board including social workers as agreed in concept by NASW is in the House Labor and Commerce Committee before going to the House Judiciary and Finance Committees. It would be much easier to develop the combined board approach if both bills were considered at the same time by the same committee, before they separately reach the House Finance Committee.

I hope to continue to work with you, the professional organizations, the Departments of Commerce and Economic Development and Health and Social Services, and the interested legislative staff and committees in resolving the remaining issues on licensing of behavioral science professionals in the most efficient way.

PBF:md

cc: Hon. Marco Pignalberi  
Ak. House of Representatives

Hon. Max Gruenberg  
Co-Chair, House HESS Committee  
Ak. House of Representatives

Hon. Mike Navarra  
Chair, House Labor & Commerce  
Committee  
Ak. House of Representatives

Hon. Bettye Fahrenkamp  
Chair, Senate HESS Committee  
Ak. Senate

Hon. Loren H. Leunsbury, Commissioner  
Dept. of Commerce & Economic Development

Hon. John Pugh, Commissioner  
Dept. of Health & Social Services

Barbara Dale, Special Assistant to  
Governor for Boards & Commissions

February 12, 1966  
Page 3

Jim Ayers, Director  
Legislative Relations  
Governor's Office

Mike Price, Director  
Div. of Family & Youth Services  
DHSS

Nancy Dunn, Director  
Div. of Occupational Licensing  
DCED

\*  
\* DELIVER TO: JPCM \*  
\*  
\* ORIGINAL \*  
\* SENT: 02/12/86 TIME: 11:28 \*  
\* FROM: JEAN MILLER \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 02/12/86 TIME: 11:36 41 \*  
\*  
\*\*\*\*\*

TO: ALL REPRESENTATIVES

*Const*

FROM: PAT REEVES, PRESIDENT  
ALASKA ASSOCIATION OF COUNSELING AND DEVELOPMENT  
8240 PIONEER DRIVE  
ANCHORAGE, AK 99504 PHONE: 337-1993

SUBJECT: HB 424/HB 396 - LICENSING OF COUNSELORS

PLEASE SUPPORT THE CONSOLIDATION OF HB 396 (LICENSING PROFESSIONAL COUNSELORS) WITH SB 227 INTO HB 424. ONE BOARD, COMPRISED OF REPRESENTATIVES FROM THE THREE PROFESSIONS, WOULD NOT ONLY ASSURE QUALITY SERVICES TO ALASKANS FROM THOSE TRAINED IN THEIR RESPECTIVE INDIVIDUAL PROFESSION, BUT WOULD REMOVE EXISTING "PROFESSION" AMBIGUITY AND BE COST EFFECTIVE.

11

\*\*\*\*\*  
\*  
\* DELIVER TO: JPOM \*  
\*  
\* ORIGINAL \*  
\* SENT: 02/11/86 TIME: 14:24 \*  
\* FROM: JEAN MILLER \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 02/11/86 TIME: 14:24 \*  
\*  
\*\*\*\*\*

11

TO: HOUSE LABOR AND COMMERCE COMMITTEE

REPRESENTATIVES NAVARRE, DAVIS, BOUCHER, KOPONEN, PEARCE, COLLINS  
AND HANLEY AND  
SENATORS STURGULEWSKI AND FAIKS AND REPRESENTATIVE PIGNALBERI

FROM: JEAN MAXWELL  
6761 REDDIKE CIRCLE  
ANCHORAGE, AK 99507 . PHONE: 522-1542

SUBJECT: HB 424 - LICENSING OF COUNSELORS

I SUPPORT THE BILL IF LICENSING OF PROFESSIONAL COUNSELORS IS  
INCLUDED IN THE BILL.

\*\*\*\*\*  
\*  
\* DELIVER TO: JPOM \*  
\*  
\* ORIGINAL \*  
\* SENT: 02/11/86 TIME: 10:02 \* 41 \*  
\* FROM: BARBARA NORRELL \*  
\* SUBJECT: POM \*  
\* PRINT DATE: 02/11/86 TIME: 10:02 \*  
\*  
\*\*\*\*\*

TO: ALL REPRESENTATIVES

FROM: LAWRENCE D. BURTON, 2185 ARCADEA DRIVE, ANCHORAGE, AK  
99517, 277-9117

SUBJECT: HB 424, BOARD OF BEHAVIORAL SCIENCE EXAMINERS

I WOULD LIKE YOUR SUPPORT OF HB 424. PLEASE VOTE IN FAVOR OF.

ROBERT K. FREIMUTH  
*President*



JOSEPHINE STOLL  
*Secretary-Treasurer*

# United Food & Commercial Workers Union

## Local 1496

2501 BLUEBERRY, SUITE 200 ANCHORAGE, ALASKA 99503

(907) 276-2829

MAR 07 1986

February 28, 1986

Marco Pignalberi  
House Representative  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Pignalberi:

I would like this opportunity to voice our support of House Bill 424 (establishing the Board of Behavioral Science Examiners).

We would like to thank you for introducing this legislation and extend our resources in getting this legislation passed.

If there is anything we can do or the AFL-CIO, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Robert K. Freimuth".

Robert K. Freimuth  
President, UFCW Local 1496

Vice President, AFL-CIO

cs

cc: Forest Hayes, PHD  
c/o Mat-Su Community College  
P.O. Box 899  
Palmer, AK 99645

BOARDS AND COMMISSIONS

# ON BOARD

( ATHLETIC COMMISSION:	<u>5</u>	_____
A.E.L.S.: (ARCHITECTS, ENGINEERS, LAND SURVEYORS)	<u>9</u>	← (2 ARCHITECTS, 4 ENGINEERS, 2 LAND SURVEYORS 1 PUBLIC MEMBER)
BARBERS & HAIRDRESSERS:	<u>5</u>	← (2 BARBERS, 2 HAIRDRESSERS, 1 PUBLIC MEMBER)
CHIROPRACTORS:	<u>5</u>	_____
COLLECTION AGENCIES:	<u>TRADE *</u>	_____
CONTRACTORS:	<u>TRADE</u>	_____
CONCERT PROMOTERS:	<u>TRADE</u>	_____
DENTAL:	<u>7</u>	_____
DISPENSING OPTICIANS:	<u>5</u>	_____
ELECTRICAL ADMINISTRATORS:	<u>3</u>	_____
GEOLOGISTS:	<u>TRADE</u>	_____
GUIDES:	<u>7</u>	_____
MEDICAL:	<u>7</u>	_____
( MARINE PILOTS:	<u>7</u>	_____
MORTUARY SCIENCE:	<u>TRADE</u>	_____
NURSING:	<u>7</u>	_____
NURSING HOME ADMIN.:	<u>5</u>	_____
OPTOMETRY:	<u>5</u>	_____
PHARMACY:	<u>7</u>	_____
PHYSICAL THERAPY:	<u>5</u>	_____
PSYCHOLOGY:	<u>5</u>	_____
PUBLIC ACCOUNTANCY:	<u>7</u>	_____
VETERINARY:	<u>5</u>	_____

\*\*\*\*\*

COMMENTS: "Trade"- A group which is licensed, certified, or registered without a board

STATE OF ALASKA  
THE LEGISLATURE

FOUCHY, STATE CAPITOL  
JUNEAU, ALASKA 99801  
(907) 465-0500

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1986

SUBJECT: Sectional Analysis of CSHB 424 (L&C)  
TO: Representative Marco Pignalberi  
FROM: Theresa L. Bannister <sup>70</sup>  
Legislative Counsel

Section 1 states the legislative findings and purpose of the bill.

Section 2 lists the Board of Behavioral Science in the centralized licensing chapter.

Section 3 directs the Department of Commerce and Economic Development to provide investigative services to the board.

Section 4 adds a behavior science professional licensed under this act to the persons who must identify themselves professionally with appropriate letters or titles.

Section 5 gives the board a sunset date of June 30, 1990.

Section 6 contains the substance of the regulatory provisions of the act.

Sec. 08.15.010 establishes the Board of Behavioral Science.

Sec. 08.15.020(a) provides for a board of two professional members and one public member for each behavioral science profession regulated

Sec. 08.15.020(b) establishes the qualifications for the professional members of the board.

Sec. 08.15.030(a) directs the governor to appoint the board members subject to legislative confirmation for staggered terms of three years.

Sec. 08.15.030(b) sets restrictions on appointments to unexpired and consecutive terms on the board.

Sec. 08.15.040 authorizes the board to hold teleconference meetings in addition to the meetings required by AS 08.01.070(3) (the citation should be AS 08.01.070(2)), and indicates who can call the teleconference meetings.

Sec. 08.15.050 itemizes the powers of the board.

Sec. 08.15.060 establishes a standards committee for each behavioral science profession regulated by the board to advise and make recommendations to the board on matters relating to the profession represented by the standards committee. Lists the areas in which a standards committee can make recommendations. Establishes the powers of a standards committee and the relationship between the board and the committee.

Sec. 08.15.070 applies the Administrative Procedure Act to the regulations and proceedings of the board. Applies certain sections of the Administrative Procedure Act to the proceedings of standards committees.

Sec. 08.15.110 establishes the qualifications for taking a marital and family therapist examination and restricts the taking of a subsequent examination after failing.

Sec. 08.15.120 authorizes the board to issue a 4-year nonrenewable license to practice marital and family therapy under supervision, establishes the criteria for issuing the license, sets certain conditions on the use and maintenance of the license, states the responsibility of the supervisor, and requires the licensee to keep certain records and submit them to the board when the board requires.

Sec. 08.15.130 establishes the conditions for a person to supervise another person in the practice of marital and family therapy; establishes the criteria for board approval as a supervisor under the section; and authorizes the board to cancel its approval under certain conditions.

Sec. 08.15.140 establishes the nature and scope of the practice of a marital and family therapist.

Sec. 08.15.210 establishes the qualifications for taking bachelor, master, and independent social worker examinations.

Sec. 08.15.240 establishes the scope of activity that a bachelor, master, or independent social worker may engage in, establishes the conditions when a social worker can practice psychotherapy, establishes the conditions when a social worker can practice social work autonomously.

Sec. 08.15.310 establishes the qualifications for taking a professional counseling examination.

Sec. 08.15.340 establishes the scope of activity that a professional counselor may engage in for a fee and itemizes certain counseling services that a professional counselor may offer.

Sec. 08.15.910 authorizes the board to issue a license to practice a behavioral science if the applicant submits the requisite application and fee and passes the written examination.

Sec. 08.15.920 authorizes the board to issue a temporary license to certain applicants who have been approved to take the examination, and specifies the duration and renewal of the temporary license.

Sec. 08.15.930 authorizes the board to issue a license to certain persons who are licensed to practice a behavioral science profession in another state and who satisfy certain other listed requirements.

Sec. 08.15.940 provides for renewal of a license after two years from the date of issuance if the person pays the fee and satisfies the board's continuing education requirements.

Sec. 08.15.950 sets the licensing and examination fees for the chapter.

Sec. 08.15.960 makes information provided by a client to a behavioral science professional confidential, and specifies when the professional may disclose such information.

Sec. 08.15.970 establishes the grounds for the board to impose disciplinary sanctions.

Sec. 08.15.980 indicates the disciplinary sanctions that the board may impose on a licensee who has committed an act listed in Sec. 08.15.970, allows the board to withdraw certain sanctions when the deficiency is remedied; allows

the board to summarily suspend a license until the board hearing if it receives evidence that the person's license to practice medicine has been suspended or revoked in another state or territory of the U.S. or province of Canada; requires the board to seek consistency in its application of disciplinary sanctions and to explain a significant departure from a decision in a prior similar matter.

Sec. 08.15.990 lists the prohibited acts for licensees and the penalty for violating the chapter or a regulation adopted under the chapter (a class B misdemeanor).

Sec. 08.15.995 lists the persons who are exempted from the coverage of the chapter.

Sec. 08.15.999 defines the terms used in the chapter.

Section 7 adds a behavioral science professional licensed by the board to the professions that must comply with the procedures and requirements established for medical malpractice actions in AS 09.55.530 - 09.55.560.

Section 8 adds a behavioral science professional to the occupations that can obtain malpractice insurance from the Medical Indemnity Corporation of Alaska.

Section 9 makes the members of the Board of Behavioral Science subject to the conflict of interest chapter, AS 39.50.

Section 10 adds the board to the list of agencies required to comply with the Administrative Procedure Act.

Section 11 indicates that a behavioral science professional licensed by the board is covered by the chapter dealing with the reporting of child abuse and neglect.

Section 12 provides for staggered terms for initial appointments to the board and licensing the initial professional members of the board.

Section 13 provides for the issuance of 2-year transitional behavioral science and bachelor social worker licenses to persons meeting certain criteria and applying within one year of the effective date of the Act, and makes the transitional licensees eligible to take the examination for a permanent license of the same category.

Representative Marco Pignalberi  
Page 5  
February 26, 1986

Section 14 establishes special requirements for approval of supervisors during the first year of the board.

Section 15 gives notice that the confidentiality of communications established by Sec. 08.15.960 of the Act amends Rule 504 of the Alaska Rules of Evidence.

Section 16 gives sections 1-6 and 9-16 of the Act an immediate effective date.

Section 17 makes sec. 7 of the Act effective July 1, 1986.

Section 18 makes sec. 8 of the Act effective July 1, 1987.

TLB:mkr  
m3/081

Bannister  
3/25/86

Original sponsor: Pignalberi

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 424 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Board of Behavioral Science;  
7 regulating marital and family therapists, social  
8 workers, and professional counselors; and providing  
9 for an effective date."

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

11 \* Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds  
12 that the practice of the behavioral science professions affects the safety  
13 and welfare of the public and requires regulation and control by the state  
14 in the public interest.

15 (b) The purpose of this Act is to establish a regulatory board and  
16 procedures to ensure that the public is protected from the unprofessional,  
17 improper, and unauthorized practice of the behavioral science professions.  
18 This Act shall be liberally construed to carry out this purpose.

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

20 (24) Board of Behavioral Science (AS 08.15.010).

21 \* Sec. 3. AS 08.01.050(a) is amended to read:

22 (a) The department shall provide the following administrative  
23 and budgetary services when appropriate:

24 (1) collect fees and issue receipts;

25 (2) maintain records and files;

26 (3) issue and receive application forms;

27 (4) notify applicants of acceptance or rejection of appli-  
28 cants as determined by the board;

29 (5) designate dates examinations are to be held and notify

1 applicants;

2 (6) publish notice of examination;

3 (7) arrange space for holding examinations;

4 (8) notify applicants of results of examinations;

5 (9) issue licenses and certificates or temporary licenses  
6 or certificates as authorized by the board;

7 (10) issue duplicate licenses or certificates upon proof by  
8 the licensee of loss of the original and payment by the licensee of a  
9 fee of \$2 except as otherwise provided in this title;

10 (11) notify licensees of renewal dates at least 30 days  
11 before the expiration date of their licenses;

12 (12) compile and maintain current a register of licenses;

13 (13) answer routine inquiries;

14 (14) maintain files relating to individual licensees;

15 (15) arrange for printing and advertising;

16 (16) purchase supplies;

17 (17) employ secretarial help when needed;

18 (18) perform other services that [WHICH] may be requested by  
19 the board;

20 (19) provide investigative services to the boards estab-  
21 lished under AS 08.04, AS 08.15, AS 08.20, AS 08.36, AS 08.64, AS 08.-  
22 68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86,  
23 for the purpose of assisting those boards in matters of professional  
24 discipline and in responding to consumer complaints.

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

26 (a) A behavioral science professional licensed under AS 08.15, a  
27 [A] person licensed in the state as a chiropractor under AS 08.20, a  
28 dentist under AS 08.36, a medical practitioner or osteopath under  
29 AS 08.64, a registered nurse under AS 08.68, an optometrist under

1 AS 08.72, a registered pharmacist under AS 08.80, a registered phys-  
2 ical therapist under AS 08.84, or a psychologist under AS 08.86, shall  
3 use as professional identification appropriate letters or a title  
4 after that person's name which represents that person's specific field  
5 of practice. The letters or title shall appear on all signs, statio-  
6 nery or other advertising in which the person offers or displays  
7 personal professional services to the public. In addition, a person  
8 engaged in the practice of medicine or osteopathy under AS 08.64.-  
9 380(2), or a person engaged in any manner in the healing arts who  
10 diagnoses, treats, tests, or counsels other persons in relation to  
11 human health or disease and uses the letters "M.D." or the title  
12 "doctor" or "physician" or another [ANY OTHER] title that [WHICH]  
13 tends to show that the person is willing or qualified to diagnose,  
14 treat, test, or counsel another person, shall clarify the letters or  
15 title by adding the appropriate specialist designation, if any, such  
16 as "dermatologist", "radiologist", "audiologist", "naturopath", or the  
17 like.

18 \* Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:  
19 (21) Board of Behavioral Science (AS 08.15.010) -- June 30,  
20 1990.

21 \* Sec. 6. AS 08 is amended by adding a new chapter to read:

22 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

23 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

24 Sec. 08.15.010. BOARD ESTABLISHED. There is established a Board  
25 of Behavioral Science.

26 Sec. 08.15.020. MEMBERSHIP. (a) The board consists of one  
27 person from each of the three behavioral science professions regulated  
28 by the board and two members of the public.

29 (b) Each professional member must

1           (1) be licensed in the behavioral science profession corre-  
2 sponding to the board position to which the person is being appointed;

3           (2) For the four year immediately preceding appointment,  
4 have been engaged in the active practice of the behavioral science  
5 profession corresponding to the board position to which the person is  
6 being appointed.

7           Sec. 08.15.030. BOARD APPOINTMENTS. (a) The governor shall  
8 appoint the members of the board subject to confirmation by the legis-  
9 lature for staggered terms of three years.

10           (b) The governor may not appoint the same person more than once  
11 to fill an unexpired term on the board. A person may not serve as a  
12 member of the board for more than two consecutive terms.

13           Sec. 08.15.035. REMOVAL OF BOARD MEMBERS. The governor may  
14 remove a member of the board for good cause, including:

- 15           (1) neglect of duty;
- 16           (2) incompetence;
- 17           (3) prolonged illness that impairs the execution of board  
18 duties;
- 19           (4) unprofessional conduct;
- 20           (5) conviction of a felony;
- 21           (6) judgment impaired by the use of alcohol or another  
22 drug;
- 23           (7) unexcused absences from board meetings;
- 24           (8) conviction of a crime involving moral turpitude;
- 25           (9) an emotional disturbance that prevents the member from  
26 carrying out board duties;
- 27           (10) addiction or dependence on alcohol or another drug.

28           Sec. 08.15.040. MEETINGS. (a) In addition to the meeting  
29 required by AS 08.01.070(3), the board may hold additional meetings at

1 the call of the chairperson or a majority of the board members.

2 (b) The board may hold by teleconference the additional meetings  
3 allowed under (a) of this section.

4 Sec. 08.15.050. POWERS OF THE BOARD. The board may

5 (1) examine applicants and issue licenses to qualified  
6 applicants;

7 (2) place specialty designations on the licenses of appli-  
8 cants who meet the standards determined by the board for specialty  
9 designation;

10 (3) establish continuing education requirements for

11 (A) license renewal, after consulting with the stan-  
12 dards committee for the behavioral science profession for which  
13 the continuing education requirements are established;

14 (B) supervisors approved by the board under AS 08.15.-  
15 130;

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

18 (5) report annually to the governor and the department on  
19 the board's proceedings;

20 (6) perform the administrative duties required by AS 08.-  
21 01.070;

22 (7) establish standards for supervisors and supervision;

23 (8) adopt by regulation a code of ethics for each behav-  
24 ioral science profession regulated by the board;

25 (9) enforce the provisions of this chapter and adopt regu-  
26 lations necessary to implement this chapter.

27 Sec. 08.15.060. STANDARDS COMMITTEES. (a) The board shall ap-  
28 point a standards committee for each behavioral science profession  
29 that it regulates, comprised of the board member from the behavioral

1 science profession and a public member of the board.

2 (b) Each standards committee may advise the board about the  
3 licensing and regulation of the behavioral science profession that is  
4 the subject of that standards committee and may make recommendations  
5 to the board on the following items for the profession:

- 6 (1) the granting of licenses;  
7 (2) the examination for licensure;  
8 (3) the grading of examinations;  
9 (4) regulation changes;  
10 (5) initiation of investigations or disciplinary proceed-  
11 ings;  
12 (6) penalties for violations of this chapter;  
13 (7) licensure guidelines or criteria for licensure;  
14 (8) supervision requirements; and  
15 (9) continuing education requirements for license renewal.

16 (c) Each standards committee may act as a liaison between the  
17 board and educational institutions and perform other functions that  
18 the board requests.

19 (d) A recommendation of a standards committee is not final until  
20 the board approves the recommendation. Except as provided in (e) of  
21 this section, the board may initiate an action or otherwise perform a  
22 function that a standards committee is authorized to perform.

23 (e) A decision of the board relating to a behavioral science  
24 profession regulated by the board is not effective unless it is ap-  
25 proved by the members of the standards committee for the behavioral  
26 science profession.

27 Sec. 08.15.070. PROCEDURES. The Administrative Procedure Act  
28 (AS 44.62) applies to regulations and to board proceedings, but only  
29 AS 44.62.310 - 44.62.312 apply to standards committee proceedings.

1                   ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

2                   Sec. 08.15.110. QUALIFICATIONS FOR EXAMINATION. (a) An appli-  
3 cant for the marital and family therapist examination shall furnish  
4 evidence satisfactory to the board that the applicant

5                   (1) has not engaged in conduct that is a ground for impos-  
6 ing disciplinary sanctions under AS 08.15.970;

7                   (2) has a master's degree or doctorate from an accredited  
8 educational institution approved by the board, for which the person  
9 completed a course of study that included one year of supervised  
10 marital and family therapy clinical practice with 500 hours of super-  
11 vised client contact and

12                   (A) three courses in marital and family therapy;

13                   (B) three courses in marital and family studies;

14                   (C) three courses in human development;

15                   (D) one course in professional ethics and law;

16                   (E) one course in research;

17                   (3) after receiving a degree listed in (2) of this sub-  
18 section, has

19                   (A) practiced marital and family therapy within three  
20 years of the person's application, including 1,500 hours of  
21 direct clinical contact with couples and families; and

22                   (B) has been supervised by at least two board-approved  
23 supervisors in the clinical contact for at least 200 hours,  
24 including at least 100 hours of individual supervision and 100  
25 hours of group supervision approved by the board.

26                   (b) The board shall credit an applicant with the hours the  
27 applicant has earned in supervised practice under AS 8.15.120 towards  
28 satisfaction of the hours of supervision required under this section.

29                   (c) The board may not allow an applicant who fails an

1 examination given under this section to take a subsequent examination  
2 for a period of six months from the date of the examination that the  
3 applicant failed.

4 Sec. 08.15.120. LICENSE FOR SUPERVISED PRACTICE. (a) The board  
5 shall issue a nonrenewable four-year license for the supervised prac-  
6 tice of marital and family therapy to a person who

7 (1) applies on a form approved by the board;

8 (2) pays the fee established by the department under  
9 AS 08.15.950;

10 (3) furnishes the evidence required by AS 08.15.110(a)(1)  
11 and (2);

12 (4) submits to the board a statement of intent to practice;

13 (5) submits to the board for approval a proposed plan for  
14 satisfying the supervision requirement of AS 08.15.110(a)(3)(B).

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

16 (1) under the direct supervision of a supervisor approved  
17 by the board; and

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

20 (c) A licensee under this section shall use the title "marital  
21 therapy associate," "family therapy associate," or other title that is  
22 approved by the board.

23 (d) The board shall revoke a license for supervised practice if  
24 the person fails the marital and family therapist examination.

25 (e) A licensee shall retain records of supervisory contact and  
26 submit them to the board at times specified by the board.

27 Sec. 08.15.130. APPROVED SUPERVISORS. (a) Except for the  
28 supervision required under AS 08.15.110(a)(2), a person may not super-  
29 vise a person in the practice of marital and family therapy unless the

1 person is approved by the board.

2 (b) The board shall approve as a supervisor a person who

3 (1) applies to the board for the approval;

4 (2) is licensed under this chapter to practice marital and  
5 family therapy.

6 (c) Notwithstanding (b) of this section, the board shall approve  
7 as a supervisor a member of a mental health profession other than the  
8 marital and family therapy profession if the person meets the criteria  
9 established by the board for approval of a member of another mental  
10 health profession as a supervisor.

11 (d) A supervisor approved by the board shall satisfy the con-  
12 tinuing education requirements established by the board.

13 (e) The board may cancel its approval of a person as a supervi-  
14 sor if the person commits an act listed in AS 08.15.970, fails to  
15 satisfy the continuing education requirements established by the board  
16 for supervisors under AS 08.15.050(3), or otherwise violates a pro-  
17 vision of this chapter.

18 (f) A person providing supervision under this section is respon-  
19 sible for ensuring that the extent, kind, and quality of services  
20 performed by the person being supervised are consistent with the  
21 training and experience of that person.

22 Sec. 08.15.140. SCOPE OF PRACTICE. A person licensed as a  
23 marital and family therapist may assess, diagnose and treat mental and  
24 emotional disorders that are referenced in the standard diagnostic  
25 nomenclature for marital and family therapy, whether cognitive, affec-  
26 tive, or behavioral, within the context of human relationships, par-  
27 ticularly marital and family systems. Marital and family therapy  
28 involves rendering or offering to render for a fee

29 (1) an applied understanding of the dynamics of marital and

1 family interactions, along with the application of psychotherapeutic  
2 and counseling techniques for the purpose of resolving intrapersonal  
3 and interpersonal conflict and changing perceptions, attitudes, and  
4 behaviors in the area of human relationships and family life; and

5 (2) the professional application of assessments and treat-  
6 ments of psychotherapeutic services to individuals, couples, or fam-  
7 ilies for the purpose of treating the diagnosed emotional and mental  
8 disorders.

9 ARTICLE 3. SOCIAL WORKERS.

10 Sec. 08.15.210. QUALIFICATIONS FOR EXAMINATION. (a) An appli-  
11 cant for the bachelor social worker examination shall furnish to the  
12 board

13 (1) three professional references; and

14 (2) evidence satisfactory to the board that the applicant

15 (A) has not engaged in conduct that is a ground for  
16 disciplinary sanctions under AS 08.15.970; and

17 (B) has a bachelor's degree in social work from a  
18 school with a social work program accredited by the Council on  
19 Social Work Education.

20 (b) An applicant for the master social worker examination shall  
21 satisfy the requirements of (a)(1) - (2)(A) of this section and fur-  
22 nish evidence satisfactory to the board that the applicant has a  
23 master's degree in social work from a school with a social work pro-  
24 gram accredited by the Council on Social Work Education.

25 (c) An applicant for the independent social worker examination  
26 shall satisfy the requirements of (b) of this section and furnish  
27 evidence satisfactory to the board that the applicant has completed at  
28 least 24 months of supervised post-graduate experience approved by the  
29 board in the specialty in which the person intends to engage as a

1 private practitioner.

2 Sec. 08.15.240. SCOPE OF PRACTICE. (a) A person licensed as a  
3 bachelor, master, or independent social worker may, guided by profes-  
4 sional social work ethics, knowledge and intervention methods, provide  
5 services that enhance, protect, or restore a person's capacity for  
6 social functioning that has been impaired by physical, environmental,  
7 or emotional factors.

8 (b) A social worker may practice psychotherapy only if the  
9 social worker is

10 (1) licensed as an independent social worker with a clin-  
11 ical specialty or as a master social worker; and

12 (2) employed and supervised in a clinical setting.

13 (c) A social worker may practice social work autonomously only  
14 if

15 (1) the person is licensed as an independent social worker;

16 (2) the board has approved the specialty in which the  
17 person may engage as a private practitioner and authorizes designation  
18 of the speciality on the person's license;

19 (3) the license bearing a designation of speciality is  
20 prominently displayed in the place where the person engages in private  
21 practice; and

22 (4) the person limits the private practice of social work  
23 to the designated specialty.

24 Sec. 08.15.250. LICENSE REQUIRED FOR USE OF TITLE. A person may  
25 not use the letters "LBSW" as part of a title unless the person is  
26 licensed as a bachelor social worker under this chapter. A person may  
27 not use the letters "LMSW" as part of a title unless the person is  
28 licensed as a master social worker under this chapter. A person may  
29 not use the letters "LISW" as part of a title unless the person is

1 licensed as an independent social worker under this chapter.

2 ARTICLE 4. PROFESSIONAL COUNSELORS.

3 Sec. 08.15.310. QUALIFICATIONS FOR EXAMINATION. (a) An appli-  
4 cant for the professional counseling examination shall furnish evi-  
5 dence satisfactory to the board that the applicant

6 (1) has not engaged in conduct that is a ground for impos-  
7 ing disciplinary sanctions under AS 08.15.970;

8 (2) has a master's degree or doctorate that is primarily  
9 counseling in content from a regionally accredited institution ap-  
10 proved by the board;

11 (3) has three years of full-time supervised experience in  
12 professional counseling.

13 (b) An applicant may subtract one year of the supervised experi-  
14 ence required by (a)(3) of this section for every 30 graduate semester  
15 hours from an accredited institution obtained beyond the requirements  
16 for a master's degree if the hours are clearly related to professional  
17 counseling. However, an applicant must have at least one year of  
18 required professional experience.

19 Sec. 08.15.340. SCOPE OF PRACTICE. (a) A person licensed as a  
20 professional counselor may render or offer to render for a fee to  
21 individuals, groups, organizations, or the public a counseling service  
22 involving the application of principles, methods, or procedures of  
23 counseling to assist individuals in achieving more effective personal,  
24 social, educational, career, and vocational development and adjust-  
25 ment.

26 (b) "Counseling service" includes engaging in methods and tech-  
27 niques that include:

28 (1) "appraisal," which means selecting, administering,  
29 scoring and interpreting instruments designed to assess an

1 individual's aptitudes, attitudes, abilities, achievement, interests,  
2 and personal characteristics, and the use of nonstandardized methods  
3 and techniques for understanding human behavior in relation to coping  
4 with, adapting to, or changing life situations;

5 (2) "consulting," which means the application of scientific  
6 principles and procedures in counseling, guidance and human develop-  
7 ment to provide assistance in understanding and solving a current or  
8 potential problem that the person being counseled may have in relation  
9 to another party, whether an individual, group or organization;

10 (3) "counseling," which means assisting an individual,  
11 group, or organization through the counseling relationship, to develop  
12 understanding of intrapersonal and interpersonal problems, to define  
13 goals, to make decisions, plan a course of action reflecting the  
14 needs, interests and abilities of the person being counseled, and to  
15 use informational and community resources as these procedures are  
16 related to personal, social, educational, career, and vocational  
17 development and adjustment;

18 (4) "referral," which means evaluating information to  
19 identify needs or problems of the person being counseled and to deter-  
20 mine the advisability of referral to other specialists, informing the  
21 person being counseled of the judgment, and communicating as requested  
22 or appropriate to referral sources.

23 ARTICLE 5. GENERAL PROVISIONS.

24 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a  
25 license to practice a behavioral science profession to an individual  
26 who

27 (1) applies on a form provided by the department;

28 (2) pays the fee established by the department under

29 AS 08.15.950; and

1 (3) passes the written examination administered by the  
2 department on behalf of the board.

3 Sec. 08.15.920. TEMPORARY LICENSE. (a) The board shall issue a  
4 temporary license to an individual who satisfies the requirements for  
5 a permanent license, except for taking the examination, and who has  
6 been approved by the board to take the examination.

7 (b) An individual may practice under a temporary license until  
8 the board issues the results of the first examination given after  
9 issuance of the person's temporary license and either issues or denies  
10 a permanent license to the individual.

11 (c) If a licensee under this section does not take the next  
12 examination given after the issuance of the temporary license, the  
13 board may renew the licensee's temporary license until the board  
14 issues the results of the next examination, if the licensee provides  
15 satisfactory proof to the board that the licensee had good cause for  
16 not taking the examination.

17 (d) If a licensee under this section fails the examination, the  
18 board may not renew the licensee's temporary license.

19 Sec. 08.15.930. LICENSE BY CREDENTIALS. The board shall, with-  
20 out examination, issue a license to practice a behavioral science  
21 profession to an individual who

22 (1) has an active license as a behavioral science profes-  
23 sional in another state that has requirements for the license or  
24 certificate that are substantially equal to or greater than the re-  
25 quirements of this state;

26 (2) applies on a form provided by the department;

27 (3) pays the fee established by the department under  
28 AS 08.15.950; and

29 (4) furnishes evidence satisfactory to the board that the

1 individual

2 (A) has not engaged in conduct that is a ground for  
3 disciplinary sanctions under AS 08.15.970;

4 (B) is not the subject of an unresolved complaint,  
5 review procedure, or disciplinary proceeding relating to the  
6 behavioral science profession of the individual undertaken by a  
7 professional association or regulatory authority;

8 (C) has not failed the examination of this state for  
9 the behavioral science profession; or

10 (D) has not previously had a license to practice  
11 revoked by this state or another jurisdiction.

12 Sec. 08.15.940. RENEWAL OF LICENSE. A license issued under this  
13 chapter expires two years from the date of issue. A license may be  
14 renewed by payment of the fee required by AS 08.15.950 and by satis-  
15 faction of the continuing education requirements established by the  
16 board for the renewal of the license

17 Sec. 08.15.950. FEES. The department shall establish fees for  
18 behavioral science professionals for the following:

- 19 (1) application;  
20 (2) examination;  
21 (3) credential review;  
22 (4) license;  
23 (5) temporary license;  
24 (6) license for supervised practice;  
25 (7) renewal of license;  
26 (8) renewal of temporary license.

27 Sec. 08.15.960. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral  
28 science professional licensed under this chapter may not disclose  
29 information provided to the licensee by a client in the course of

1 their professional contact. This prohibition does not apply if the

2 (1) client provides written consent to the licensee to  
3 reveal the communication;

4 (2) client is incompetent and the guardian or personal  
5 representative provides written consent to the licensee to reveal the  
6 communication;

7 (3) client is dead and a beneficiary of an insurance policy  
8 on the client's life provides written consent to the licensee to  
9 reveal the communication;

10 (4) communication discloses that a crime has been committed  
11 or reveals an intent to commit a crime;

12 (5) client is a minor, the communication discloses that the  
13 client was the victim of a crime or harmful act, and the licensee  
14 reveals the communication only during the course of an official ex-  
15 amination, trial or other proceeding in which the commission of the  
16 crime or harmful act is a subject of inquiry;

17 (6) client brings charges against the licensee and the  
18 licensee reveals the communication only as necessary to defend the  
19 charges;

20 (7) communication is revealed during the discovery of  
21 evidence in a court action or is offered for introduction into evi-  
22 dence in a court action;

23 (8) licensee is collaborating or consulting with profes-  
24 sional colleagues or an administrative superior on behalf of the  
25 client;

26 (9) communication discloses information that the licensee  
27 is required by state or federal laws or regulations to disclose.

28 Sec. 08.15.970. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-  
29 TIONS. After a hearing, the board may impose a disciplinary sanction

1 on a person licensed under this chapter when the board finds that the  
2 person

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

5 (2) engaged in deceit, fraud, or intentional misrepresenta-  
6 tion in the course of providing professional services or engaging in  
7 professional activities;

8 (3) advertised professional services in a false or mislead-  
9 ing manner;

10 (4) has been convicted of a crime that has a substantial  
11 relationship to the licensee's activities and services or that affects  
12 the person's ability to continue to practice competently and safely;

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

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

16 (A) professional incompetence;

17 (B) addiction or dependence on alcohol or another drug  
18 that may endanger the public by impairing the person's ability to  
19 practice;

20 (C) physical or mental disability;

21 (7) engaged in lewd or immoral conduct in connection with  
22 the delivery of professional services;

23 (8) had a license to practice in another jurisdiction  
24 suspended or revoked for any reason except a fee dispute;

25 (9) has violated a code of ethics adopted by board regula-  
26 tion for the behavioral science profession for which the person is  
27 licensed;

28 (10) has been held liable in a civil action for malpractice  
29 in the behavioral science profession for which the person is licensed.

1           Sec. 08.15.975. DISCIPLINARY SANCTIONS. (a) When it finds that  
2 a licensee has committed an act listed in AS 08.15.97 the board may  
3 impose the following sanctions singly or in combinati

4           (1) permanently revoke a license to practice;

5           (2) suspend a license for a determinate period of time;

6           (3) censure a licensee;

7           (4) issue a letter of reprimand;

8           (5) place a licensee on probationary status and require the  
9 licensee to

10           (A) report regularly to the board on matters involving  
11 the basis of probation;

12           (B) limit practice to prescribed areas;

13           (C) continue professional education until a satisfac-  
14 tory degree of skill has been attained in those areas determined  
15 by the board to need improvement;

16           (6) impose limitations or conditions on the practice of a  
17 licensee.

18           (b) The board may withdraw a limitation, condition, or proba-  
19 tionary status if it finds that the deficiency that required the  
20 sanction has been remedied.

21           (c) The board may summarily suspend a license before a hearing  
22 or during the appeal process if the board finds that the licensee  
23 poses a clear and immediate danger to the public health and safety if  
24 the licensee continues to practice. A person whose license is sus-  
25 pended under this section is entitled to a hearing by the board no  
26 later than 48 hours after the effective date of the order. After the  
27 hearing the person may appeal the suspension to a court of competent  
28 jurisdiction.

29           (d) The board shall seek consistency in the application of

1 disciplinary sanctions, and the board shall explain in its findings of  
2 fact or orders a significant departure from prior decisions involving  
3 similar situations.

4 Sec. 08.15.980. PROHIBITED ACTS AND PENALTY. (a) A person may  
5 not

6 (1) practice a behavioral science profession regulated by  
7 this chapter for which the person is not licensed under this chapter;

8 (2) use a title prohibited to the person under AS 08.15.-  
9 120(c) or 08.15.250, or indicating or representing that the person  
10 practices or is licensed to practice a behavioral science profession  
11 regulated by this chapter for which the person is not licensed under  
12 this chapter;

13 (3) advertise that the person practices a behavioral sci-  
14 ence profession regulated by this chapter for which the person is not  
15 licensed under this chapter.

16 (b) A person who violates (a) of this section is guilty of a  
17 class B misdemeanor.

18 Sec. 08.15.985. EXEMPTIONS. (a) This chapter does not apply to  
19 a person who practices a behavioral science profession regulated by  
20 this chapter

21 (1) consistent with the accepted standards and code of  
22 ethic of the person's profession and as part of the person's duties  
23 as

24 (A) a psychologist or psychological associate;

25 (B) a physician or psychiatrist;

26 (C) an attorney or judge;

27 (D) a member of the clergy;

28 (E) a student, intern, or resident pursuing a course  
29 of study approved by the board as appropriate training for a

1 behavioral science profession regulated by the board, if the  
2 activities of the student, intern, or resident constitute a part  
3 of a supervised course of study and the student, intern, or  
4 resident is designated by a title that indicates that the person  
5 is training to be a behavioral science professional;

6 (2) in a community of less than 5,000 persons; or

7 (3) for a regional or local health organization that re-  
8 ceives a grant under AS 18.28.

9 (b) In this section, "community" means a municipality or an  
10 unincorporated group of individuals residing in the same geographic  
11 area as a social unit.

12 Sec. 08.15.990. DEFINITIONS. In this chapter,

13 (1) "advertise" includes issuing or causing to be dis-  
14 tributed a card, sign or device to a person, or causing, permitting or  
15 allowing a sign or marking on or in a building or structure, or in a  
16 newspaper, magazine, or directory, or on radio or television, or using  
17 other means designed to secure public attention;

18 (2) "behavioral science professional" means a marriage and  
19 family therapist, a social worker, or a professional counselor;

20 (3) "board" means the Board of Behavioral Science;

21 (4) "course" means a class of at least three credit hours  
22 in a graduate program at an accredited educational institution or an  
23 institution approved by the board;

24 (5) "supervision" means face-to-face consultation, direc-  
25 tion, review, evaluation and assessment of the practice of the person  
26 being supervised, including direct observation and the review of case  
27 presentations, audio tapes and video tapes.

28 \* Sec. 7. AS 09.55.560(1) is amended to read:

29 (1) "health care provider" means a behavioral science

1 professional licensed under AS 08.15; a chiropractor licensed under  
2 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-  
3 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
4 optician licensed under AS 08.71; an optometrist licensed under  
5 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
6 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-  
7 trist; a psychologist and a psychological associate licensed under  
8 AS 08.86; and a hospital as defined in AS 18.20.130, including a  
9 governmentally owned or operated hospital; a corporate entity covered  
10 under AS 21.88.050(b)(12); and an employee of a health care provider  
11 acting within the course and scope of employment;

12 \* Sec. 8. AS 21.88.900(a)(9) is amended to read:

13 (9) "health care provider" means a behavioral science  
14 professional licensed under AS 08.15; a chiropractor licensed under  
15 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-  
16 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
17 optician licensed under AS 08.71; an optometrist licensed under  
18 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
19 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-  
20 trist; a psychologist and a psychological associate licensed under  
21 AS 08.86; and a hospital as defined in AS 18.20.130, including a  
22 governmentally owned or operated hospital; a corporate entity covered  
23 under AS 21.88.050(b)(12); and an employee of a health care provider  
24 acting within the course and scope of employment;

25 \* Sec. 9. AS 39.50.200(b) is amended by adding a new paragraph to read:

26 (48) Board of Behavioral Science (AS 08.15.010)

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

29 (53) Board of Behavioral Science (AS 08.15.010).

1 \* Sec. 11. AS 47.17.070(9) is amended to read:

2 (9) "practitioner of the healing arts" includes chiroprac-  
3 tors, dental hygienists, dentists, health aides, nurses, nurse practi-  
4 tioners, optometrists, osteopaths, physical therapists, physicians,  
5 physician's assistants, psychiatrists, psychologists, psychological  
6 associates, behavioral science professionals licensed under AS 08.15,  
7 religious healing practitioners, and surgeons;

8 \* Sec. 12. INITIAL APPOINTMENTS TO THE BOARD. When making the initial  
9 appointments of professional members to the Board of Behavioral Science  
10 created by sec. 6 of this Act, the governor shall consider an individual  
11 licensed for the purpose of AS 08.15.020 if the individual satisfies the  
12 requirements of AS 08.15.110, 08.15.210(a), (b), or (c), or 08.15.310;  
13 however, the educational institutions referenced in AS 08.15.110(a)(2) and  
14 08.15.310(a)(2), the supervisors required by AS 08.15.110(a)(3)(B), and the  
15 supervised postgraduate experience required by AS 08.15.210(c) do not need  
16 to have been approved or authorized by the Board of Behavioral Science.

17 \* Sec. 13. (a) Notwithstanding AS 08.15, as enacted by sec. 6 of this  
18 Act, the Board of Behavioral Science shall issue a license to practice a  
19 behavioral science to a person who applies within one year of the effective  
20 date of this section and who on that date either

21 (1) qualifies to take the examination for a permanent license,  
22 except that the educational institutions referenced in AS 08.15.110(a)(2)  
23 and 08.15.310(a)(2), the supervisors required by AS 08.15.110(a)(3)(B), and  
24 the supervised postgraduate experience required by AS 08.15.210(c) do not  
25 need to have been approved or authorized by the Board of Behavioral  
26 Science; or

27 (2) is practicing the behavioral science in the state and is a  
28 clinical member of a national certifying body.

29 (b) In addition to the bachelor social worker licenses issued under

1 (a) of this section, and notwithstanding AS 08.15, as enacted by sec. 6 of  
2 this Act, the Board of Behavioral Science shall issue a bachelor social  
3 worker license to an individual who applies within one year of the  
4 effective date of this section and who on that date

5 (1) holds a degree in social work from a school with a social  
6 work program that is not accredited by the Council on Social Work Education  
7 or a bachelor's or master's degree in a social sciences field related to  
8 social work as defined by the Board of Behavioral Science, and has been  
9 practicing under the title "social worker" for at least 24 consecutive  
10 months before July 1, 1988; or

11 (2) has been practicing social work for at least two years under  
12 the supervision of a person eligible to be licensed under this Act and  
13 successfully completes the examination required by AS 08.15.910.

14 (c) An individual who is issued a license under this section is  
15 subject to the renewal requirements of AS 08.15.940.

16 \* Sec. 14. (a) Notwithstanding AS 08.15.130, as enacted by sec. 6 of  
17 this Act, the Board of Behavioral Science shall approve as a supervisor for  
18 marital and family therapy a person who

19 (1) has been a clinical member of the American Association of  
20 Marriage and Family Therapy for two years or more;

21 (2) has practiced marital and family therapy for three years or  
22 more; and

23 (3) applies for approval as a supervisor within one year of the  
24 effective date of this Act.

25 (b) A person approved as a supervisor under this section is subject  
26 to the continuing education requirements and cancellation provisions of  
27 AS 08.15.130.

28 \* Sec. 15. Sections 1 - 6 and 9 - 17 of this Act take effect immedi-  
29 ately in accordance with AS 01.10.070(c).

1 \* Sec. 16. Section 7 of this Act takes effect July 1, 1986.

2 \* Sec. 17. Section 8 of this Act takes effect July 1, 1987.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSHB 424 (HESS)  
 Title: An Act establishing the Board of Behavioral Science; regulating marital and family therapists; amending Rule 504...  
 Sponsor: House HESS  
 Requester: House HESS  
 Date of Request: 4/7/86

**FISCAL DETAIL**

Agency Affected: Commerce & Econ. Dev.  
 BRU: Occupational Licensing  
 Components: \_\_\_\_\_

**EXPENDITURES / REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		1.2	1.3	1.3	1.4	1.5
CONTRACTUAL		2.5	2.6	2.8	2.9	3.1
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>3.7</b>	<b>3.9</b>	<b>4.1</b>	<b>4.3</b>	<b>4.6</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		11.8	3.0	9.6	1.6	12.8
---------	--	------	-----	-----	-----	------

**FUNDING: (Thousands of dollars)**

GENERAL FUND		3.7	3.9	4.1	4.3	4.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>3.7</b>	<b>3.9</b>	<b>4.1</b>	<b>4.3</b>	<b>4.6</b>

**POSITIONS:**

FULLTIME		-0-	-0-	-0-	-0-	-0-
PARTTIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary.

The bill establishes a structure in which professions relating to behavioral sciences can be incorporated into one licensing board. The bill also establishes the licensing of marital and family therapists. This agency has been informed that there are approximately 20 marital and family therapists who would be affected by this legislation upon passage. (See attached for further explanation.)

Prepared by: Jennifer Strickler, Management Analyst  
 Division: Occupational Licensing

Phone: 465-2144

Date: 4-7-86

Approved by Commissioner: [Signature]  
 Agency: Commerce and Economic Development

Date: 4-7-86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

Expenditures consists of the following:

Travel -

One face-to-face meeting in Anchorage, assuming the three board members are from each of the following locations:

<u>LOCATION</u>	<u>TRAVEL</u>	<u>PER DIEM</u>	
Anchorage	\$ -0-	\$ 80	
Juneau ( one member + Licensing Examiner)	704	160	
Fairbanks	212	80	
	\$ 916	\$ 320	= \$ 1,236.00
	Total Travel Costs		\$ 1,236.00

Contractual -

Teleconferences:

One 6-hour teleconference meeting using the LTN System at \$50 per site/per hour. Anchorage, Juneau and Fairbanks.  
 $\$50 \times 3 = \$150 \times 6 =$  \$ 900.00

One 2-hour regulation teleconference hearing using the LTN System at \$50 per site/per hour. Anchorage, Juneau & Fairbanks.  
 $\$50 \times 3 = \$150 \times 2 =$  300.00

Public Notices:

Two board meetings, printed in three newspapers each at \$20 per notice.  $\$20 \times 3 = \$60 \times 2 =$  120.00

One regulations public notice, printed in three newspapers at \$60 each = 180.00

Postage, printing, telephone and other operating costs 1,000.00

Total Contractual Costs \$ 2,500.00

Grand Total: \$ 3,736.00

REVENUES:

Licensing fees were calculated based on costs incurred over a two-year licensing period, including \$2.1 yearly on-going overhead costs (estimated from a similar existing licensing function), and considering there are 20 marital and family therapists.

FY 87: Assuming there will be 20 licensees: $\$590 \times 20 =$	\$ 11.8	
		\$ 3.7 - FY 87
		2.1 - overhead
		3.9 - FY 88
		2.1 - overhead
		\$11.8

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

FY 88: Assuming there will be 5 new licensees:  $\$590 \times 5 = \$ 3.0$       \$ 3.0 balance

FY 89: Licensing fees in the third year would require adjustment since revenues would exceed the costs of the function. To maintain consistency in matching revenues with costs, licensing/renewal fees would be adjusted to \$320 per licensee.

Assuming there will be 25 licensees renewing, in addition to 5 new applicants:  $\$320 \times 30 =$       \$ 9.6

	\$ 4.1 - FY 89
	2.1 - overhea
	4.3 - FY 90
	2.1 - overhea
	<u>\$ 12.6</u>
	- 3.0 - balance
	<u>\$ 9.6</u>

FY 90: Assuming there will be 5 new licensees:  $\$320 \times 5 = \$ 1.6$       \$ 1.6 balance

FY 91: Assuming there will be 35 licensees renewing in addition to 5 new applicants:  $\$320 \times 40 =$       \$ 12.8

	\$ 4.3 - FY 90
	2.1 - overhea
	4.6 - FY 91
	2.1 - overhea
	<u>\$ 13.1</u>
	- 1.6 - balance
	<u>\$ 11.5</u>

	\$ 12.8 - Revenue
	- 11.5 - balance
	<u>\$ 1.3</u>

Thus, in the first two years, when the number of family and marital therapists is low, the biennial fee would be \$590 (\$295 annually). However, the number of licensees is projected to increase more quickly than costs, so in FY 89 the biennial fees would drop to \$320 (\$160 annually), based on current projections.

Telegram

In reference to HB 424, we would like to hold submission of counselor portion until next year. We do not agree with the direction HB 424 is taking. It is still our feeling that HB 396 best represents the position of M H Counselors. Rather no bill this session than a poor bill. Do not support position of Marriage and Family therapists.

Bill Webb  
Clinical Director  
Alaska Baptist Family Services  
LAA Committee Chair  
AACD

# MEMORANDUM

# State of Alaska

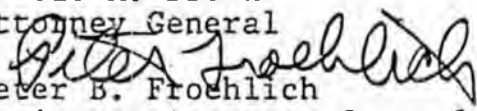
TO: Barbara Dale, Special Staff  
Assistant for Boards &  
Commissions  
Governor's Office

DATE: March 25, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown  
Attorney General

By:   
Peter B. Froehlich  
Assistant Attorney General

SUBJECT: Confidentiality provisions of CSSB 227(Fin) and CSHB 424(L&C)

You have forwarded to this office several questions, raised by Representative Pignalberi, about the confidentiality provisions of CSSB 227(Fin) on social workers and CSHB 424(L&C) on behavioral science professionals, including not only social workers, but also professional counselors and marriage and family therapists.

Both of these bills contain identical confidentiality provisions. Proposed AS 08.87.210, entitled "confidentiality of communications," on pages 6 and 7 of CSSB 227(Fin) was incorporated verbatim into CSHB 424(L&C) on page 15, as proposed AS 08.15.960 and with the same title. Even though these provisions are identical, only CSHB 424(L&C) complies with Uniform Rule 39(e) by referring, in sec. 15 on page 22, to the fact that its new confidentiality provision amends Rule 504 of the Alaska Rules of Evidence, and with Uniform Rule 39(c) by stating that fact generally in the bill title.

This defect in CSSB 227(Fin) is discussed in Legislative Counsel Cramer's March 6 and 7 memos to Representative Pignalberi. A possible correction of the defect is suggested in Ms. Cramer's March 7 memo to Senator Fahrenkamp. (Copies of all three memos are attached.) That suggested approach would broaden the exception to confidentiality of client communications currently provided by paragraph (7) only for when the licensee is subpoenaed to testify in court to include all stages of all court proceedings. This would mean that a licensee would be obligated to disclose client communications given in confidence in any discovery, like depositions and interrogatories, in any court case, civil or criminal, regardless of whether the licensee or the client is even a party to the case.

Such a broad exception to confidentiality means in effect that there would be no privilege for or confidentiality of client communications as long as someone interested in gaining disclosure was willing to file a lawsuit at least peripherally related to the parties or substance of the communication. If this suggested approach were taken, neither the title nor the temporary and special provisions of CSSB 227(Fin) need be changed

Barbara Dale, Special Staff  
Assistant for Boards & Commissions

March 25, 1986  
Page 2

to mention amendment of court rules under Uniform Rule 39. Nonetheless CSSB 227(Fin) would still have to be returned to the Senate anyway, for concurrence in the House amendment to paragraph (7) of the confidentiality provision.

We are not convinced that client communications to psychotherapists should be more privileged and confidential than client communications to other behavioral science professionals. We therefore believe that the more logical approach, and the approach most likely preferable to both licensees and their clients, is to maximize the confidentiality of client communications by excepting only subpoenaed in-court testimony. This would necessitate the changes in the title and body of the bill required for amendment of court rules, as well as a two-thirds vote in each house under Art. IV, sec. 15, of the Alaska Constitution.

In either event, the same logic and considerations that apply to the social workers who would be licensed under CSSB 227(Fin) apply equally if not more so to their fellow behavioral science professionals who would also be licensed under CSHB 424(L&C). Therefore, if the substance of the latter combined licensing bill (CSHB 424(L&C)) is not simply substituted into the former social worker only licensing bill (CSSB 227(Fin)), then, at a minimum, whichever approach is chosen for one should be also used for the other.

We hope this somewhat hasty response to the questions raised by Representative Pignalberi is helpful. We recognize that the intricacies of the relationship of statutes to court rules can be as complex as the intricacies of the relationship of the legislative to the judicial branch of government. Therefore, we would appreciate the opportunity to continue working with you, legislative counsel, the sponsors of the two bills, and legislative committees to develop and refine the most appropriate and acceptable confidentiality and privilege language. We also, of course, hope to continue working with all concerned to attain a fair and cost-efficient approach to combined licensing of all behavioral science professionals rather than an arbitrarily piecemeal approach to licensing of only social workers.

PBF:md

Attachments

Barbara Dale, Special Staff  
Assistant for Boards & Commissions

March 25, 1986  
Page 3

cc w/attachments:

Hon. Marco Pignalberi  
Alaska House of Representatives

Hon. Bettye Fahrenkamp  
Alaska Senate

Hon. John Pugh, Commissioner  
Dept. of Health & Social Services

Jim Ayers, Director  
Legislative Relations  
Governor's Office

Mike Price, Director  
Div. of Family & Youth Services  
Dept. of Health & Social Services

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 6, 1986

POUCHY STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 2800

RECEIVED  
Department of Law

MAR - 6 1986

SUBJECT: Court Rule amendments in HB 317,  
CSHB 44 (L&C) and CSSB 227 (Fin)  
Social workers and behavioral scientists

TO: Representative Marco Pignalberi

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

MA 7:39, 10:11, 12:13, 3, 4, 5, 6, PM  
hand: delivered

You have asked whether the titles to these three bills, relating to social workers and behavioral scientists, should refer to amending court rules. CSHB 424 (Labor & Commerce) contains such a reference. Since the bills amend the scope of the psychotherapist-patient privilege, set out in Rule 504 of the Rules of Evidence, the answer is yes.

Each bill contains a section making certain communications to a licensed professional confidential. In each, there is some relaxation of the privilege for court appearances. Compare Sec. 08.87.210 of CSSB 227 (Finance), Sec. 08.15.960 of HB 317, and Sec. 08.87.210 of CSHB 424 (Labor & Commerce).

The state constitution requires that a two-thirds vote of the membership of each house is necessary to adopt a change to a court rule. (Article IV, Sec. 15, Constitution of the State of Alaska.) The question is whether the prohibition against revealing communications changes the scope of a court rule.

Rule 504, which sets out the psychotherapist-patient privilege, defines psychotherapist as

(A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner

Representative Marco Pignalberi  
Page 2  
March 6, 1986

under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

Neither social workers under CSSB 227 (Finance) or HB 317, nor behavioral scientists under CSHB 424 (Labor & Commerce) meet the definition in the Rule. Therefore, each bill extends the scope of the Rule if it grants communications to a professional privileged status. Each bill dissolves the privilege for subpoenaed court testimony (which is limited in HB 317 to cases of child or adult abuse or child neglect), but each retains the privilege for voluntary testimony, and therefore does amend the Rule of Evidence.

Under Rule 39(c), of the Uniform Rules of the Alaska State Legislature, the title must reflect the amendment to Court Rule, and under Rule 39(e)

If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases, the bill must contain a section expressly citing the rule and noting what change is being proposed.

If the scope of the privilege granted in the bills in question is not intended to extend into the ambit of Rule 504, then there is no need to refer to amending the rule. However, all three appear to intend to amend the Rule and therefore should both cite the Rule in the title and explain the amendment in the body of the bill.

If I may be of further assistance, please advise.

TBC:mkr  
m3/129

**Rule 504. Physician and Psychotherapist-Patient Privilege.**

(a) **Definitions.** As used in this rule:

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

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

(3) A psychotherapist is (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

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

(b) **General Rule of Privilege.** A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional conditions, including alcohol or drug addiction, among himself, his physician or psychotherapist, or persons who are participating in the diagnosis or treatment under the direction of the physician or psychotherapist, including members of the patient's family.

(c) **Who May Claim the Privilege.** The privilege may be claimed by the patient, by his guardian, guardian ad litem or conservator, or by the personal representative of a deceased patient. The person who was the physician or psychotherapist

at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the patient.

(d) Exceptions. There is no privilege under this rule:

(1) *Condition and Element of Claim or Defense.* As to communications relevant to the physical, mental or emotional condition of the patient in any proceeding in which the condition of the patient is an element of the claim or defense of the patient, of any party claiming through or under the patient, of any person raising the patient's condition as an element of his own case, or of any person claiming as a beneficiary of the patient through a contract to which the patient is or was a party; or after the patient's death, in any proceeding in which any party puts the condition in issue.

(2) *Crime or Fraud.* If the services of the physician or psychotherapist were sought, obtained or used to enable or aid anyone to commit or plan a crime or fraud or to escape detection or apprehension after the commission of a crime or a fraud.

(3) *Breach of Duty Arising Out of Physician-Patient Relationship.* As to a communication relevant to an issue of breach, by the physician, or by the psychotherapist, or by the patient, of a duty arising out of the physician-patient or psychotherapist-patient relationship.

(4) *Proceedings for Hospitalization.* For communications relevant to an issue in proceedings to hospitalize the patient for physical, mental or emotional illness, if the physician or psychotherapist, in the course of diagnosis or treatment, has determined that the patient is in need of hospitalization.

(5) *Required Report.* As to information that the physician or psychotherapist or the patient is required to report to a public employee, or as to information required to be recorded in a public office, if such report or record is open to public inspection.

(6) *Examination by Order of Judge.* As to communications made in the course of an examination ordered by the court of the physical, mental or emotional condition of the patient, with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise. This

exception does not apply where the examination is by order of the court upon the request of the lawyer for the defendant in a criminal proceeding in order to provide the lawyer with information needed so that he may advise the defendant whether to enter a plea based on insanity or to present a defense based on his mental or emotional condition.

(7) *Criminal Proceeding.* For physician-patient communications in a criminal proceeding. This exception does not apply to the psychotherapist-patient privilege. (Added by Supreme Court Order 264 effective August 1, 1979)

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3820

MEMORANDUM

March 7, 1986

SUBJECT: CSSB 227 (Finance)  
(Social workers)

TO: Senator Bettye Fahrenkamp (SP?)

FROM: Teresa B. Cramer *JBC*  
Legislative Counsel

You have requested language to ensure that Sec. 03.87.210(7) is not interpreted as attempting to amend the Rules of Evidence. I would suggest deleting the existing language on page 7, line 10 and replacing it with

(7) information is revealed as part of the discovery of evidence related to a court proceeding or introduced in evidence in a suit, action, or proceeding in a court;

If I may be of further assistance, please advise.

TC:mkr  
m3/141

NOTE: SENATOR FAHRENKAMP HAS PROPOSED THIS CHANGE TO THE HOUSE H.E.S.S. COMMITTEE.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POLICY STATE CAPITOL  
JUNEAU ALASKA 99801  
907-465-1800

MEMORANDUM

March 7, 1986

SUBJECT: Practice of social work  
CSSB 227(Finance)

TO: Representative Marco Pignalberi

FROM: Teresa B. Cramer *JBC*  
Legislative Counsel

You have asked for an opinion on the effect of the legislature enacting CSSB 227 (Finance) in its present form, without reference to amending court rules.

In Leege v. Martin, 379 P.2d 447 (Alaska 1963), the Alaska Supreme Court held that a bill is not effective to change rules of practice and procedure unless the bill specifically states that its purpose is to bring about that change. Therefore, CSSB 227 (Finance), which does not refer to amending court rules, is powerless to do so. The prohibition in sec. 08.87.210 against a social worker revealing communication from a client could not operate to make the communication a privileged communication under Rule 504 of the Rules of Evidence. Neither the client nor the social worker could rely on the statute as a basis for refusing to testify about the communication in a proceeding covered by the court rule although in other situations privilege could be invoked.

If I may be of further assistance, please advise.

TC:mkr  
m3/136

POSITION PAPER

CS FOR HOUSE BILL NO. 424 (L & C)

For an Act entitled: "An Act establishing the Board of Behavioral Science; amending Rule 504 of the Alaska Rules of Evidence; and providing for an effective date."

This bill would establish a Behavioral Science Board composed of representatives of the American Marriage and Family Therapists, National Association of Social Workers, and Professional Counselors, which would set standards for these professions, provide for examination of eligible participants, adopt regulations for persons engaged in those professions and impose disciplinary sanctions. The bill would require that a person be licensed to use the titles: Marriage and Family Therapist, Social Worker and Professional Counselor. The bill regulates confidentiality and the disclosure of information. In relation to persons practicing social work, the bill allows for a two year transitional license for persons currently practicing who have 24 months experience, and for those who have 24 months social work experience and are currently administering programs which supervise social workers. To renew the license, these persons would be required to take an exam at the end of the two years.

The department supports a joint board approach to establishing a licensing board. The Department of Health and Social Services supports efforts to increase professional standards for social workers and other therapists. The department is currently seeking to increase the number of M.S.W. and B.S.W. employees engaged in agency social work, by taking administrative actions which encourage the hiring of these degreed professionals. In addition, the department believes that professional standards for social workers in the private sector would increase public confidence. The bill does present a number of complicated issues that have not been resolved quickly in other states. These areas require special scrutiny and analysis. This position paper first addresses two major issues, followed by a sectional analysis.

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

There are currently 143 Division of Family and Youth Services social workers affected by the bill.

As of January 3, 1986, an educational review of staff qualifications of Division of Family and Youth Services' employees shows that of 143 social worker positions, 2 have Ph.D's, 32 have M.S.W. degrees, 20 have related master's degrees, 15 have B.S.W. degrees, and 57 have related bachelor's degrees. Approximately 50% of social work supervisors have M.S.W. degrees from an accredited social work school. 52% of social work employees have a BSW or above, which represents the agency's strong management effort to continue to improve the credentials of social work staff.

The bill does allow for a two year transitional license for "social workers" who do not meet all of the licensing standards, but who have degrees in social work or related fields and 24 months prior to July 1, 1988. It also allows for a two year transitional license for persons who have practiced social work for 24 months and have, for the 24 months prior to July 1, 1988, been employed in the administration of an agency which employs people under the title. All persons will be required to take an exam, to be determined by the board, at the end of this two year period. This exam requirement could result in a discriminatory situation for currently practicing social workers who practice in a specialized field and who did not attend schools of social work because none were available in Alaska. The department urges an amendment to allow already established state social workers the right to renew their licenses without exam and to continue to practice subject to disciplinary oversight of the new Board of Behavioral Sciences (as well as the supervision and monitoring by the department and "oversight" by the courts and the ombudsman).

B. Effect on State Hiring Practices, Including Local Hire and Affirmative Action Goals:

After the enactment of the bill, the department would be required to hire licensed social workers. After July 1, 1988, it may be difficult to fill all positions, whether public or private, with licensed social workers, especially in rural areas. The bill's strict educational requirements for licensure after July 1, 1988 may impede the state's long-term goals of employing paraprofessional employees and developing a career ladder for them. The department often hires Alaska Native "Social Services Associates" who may eventually become social workers. Many of these employees possess Alaska Native language skills essential to providing services in some rural areas of the state. The bill would probably prevent these persons from advancing beyond the paraprofessional level unless they leave their communities for further education.

II. SECTIONAL ANALYSIS

A. "Grandfathering"

This bill does not provide for an actual "grandfathering" of currently practicing social workers. It only allows for a two year transitional license. The details of the transitional license are in Section 13.

The department urges that Section 13 be revised to read:

Sec. 13 (a) Delete "transitional", add "renewable". The board shall issue a two year renewable license to practice a behavioral science to a person who applies within one year of the effective date of this section and who on that date either...

Sec. 13 (b)(3) amend to read "has practiced under the title of Social Worker within the last five years and is now employed in the administration of an agency that employs people under that title."

Sec. 13 (c) Delete "a two year transitional" and "to take the examination for a permanent license of the same category". Add "renew the license without examination". Notwithstanding any provisions of new AS 08.15, a person who is issued a license under this section is eligible to renew the license without examination.

B. Financial Impact

Section 8.15.950 indicates that the department will set the fees for licensing. These fees could be very significant and costly to the state employee who does not currently pay any fee.

III. RECOMMENDATIONS

The department supports the concept of a behavioral science board which encompasses three of the counseling professions. Specifically, the department supports the licensure of social workers in both the public and private sector as an additional method to monitor quality and to protect the public, although the department believes accommodation should be made for persons currently employed as social workers. The department recommends that suggested changes in transitional licensure be made to provide for actual grandfathering of persons currently practicing.

RECOMMENDED:

Michael L. Price  
Michael L. Price, Director  
Division of Family  
and Youth Services

DATE:

March 6, 1984

APPROVED:

John R. Pugh  
John R. Pugh, Commissioner  
Department of Health  
and Social Services

DATE:

3/6/84

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CS HB 424 ( L & C )  
 Title: An Act establishing the Board of Behavioral Science; amending Rule 504 of the Alaska Rules of Evidence.  
 Sponsor: L & C  
 Requestor: \_\_\_\_\_  
 Date of Request: 2/27/86

**FISCAL DETAIL**

Agency Affected: Health & Social Services  
 BRU: \_\_\_\_\_  
 \_\_\_\_\_  
 Components: \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>		-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>		-0-	-0-	-0-	-0-	-0-

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

n/a

Prepared by: Michael L. Pugh *Michael Pugh* Phone: 465-3170  
 Division: Division of Family & Youth Services Date: 2/27/86 *ace*

Approved by Commissioner: John R. Pugh *J.R. Pugh* Date: 3/6/86  
 Agency: Department of Health & Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Counseling and Health Center



11120 Glacier Highway  
Juneau, AK 99801  
(907) 789-2101

UNIVERSITY OF ALASKA · JUNEAU

March 6, 1986

The Honorable Katie Hurley  
House of Representatives  
Chair of the HESS Committee  
Fourteenth Alaska State Legislature  
Second Session, 1986  
Post Office Box V  
Juneau, Alaska 99811

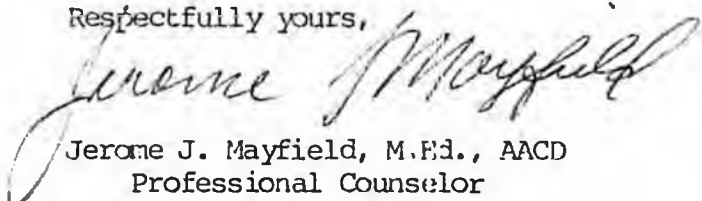
Dear Representative Hurley:

Transmitted with this letter of support for HOUSE BILL #424 is a copy of the written testimony addressing the need to establish a Behavioral Science Board, or its equivalent, in the State of Alaska. This testimony is supported by the National Board for Certified Counselors, the Alaska Association for Counseling and Development, post secondary schools offering programs to train professional counselors, the Professional Counselors in the State of Alaska and the National Certification Association for Professional Counselors.

Many voting constituents in the State support the establishment of a Behavioral Science Board, or its equivalent, to help protect the public from Unprofessional, Improper, and Unauthorized Practice of Behavioral Science professions. Honorable Hurley, there are other Professional Counselors who await to testify on behalf of this House Bill' passage.

Thank you for your continued guidance on House Bill #424.

Respectfully yours,

  
Jerome J. Mayfield, M.Ed., AACD  
Professional Counselor

cc: HESS Committee Members  
The Honorable Max Gruenberg, House of Representatives, State of Alaska  
The Honorable Niilo Koponen " " " " " "  
The Honorable Terry Martin " " " " " "  
The Honorable Marco Pingnalberi, " " " " " "  
The Honorable Arliss Sturgulewski, Senate, State of Alaska  
President Pat Reeves, Alaska Association for Counseling Development (AACD)  
AACD MEMBERS: J. Bender, N. Young, Woody Hayes, Tele-Conference Sites

Attachment: Testimony to HESS Committee on March 6, 1986 @ 4:30p.m.  
State of Alaska

PRESENTED AS: TESTIMONY TO HOUSE BILL #424  
as Proposed in  
THE LEGISLATURE OF THE STATE OF ALASKA  
FOURTEENTH LEGISLATURE - SECOND SESSION

PRESENTED ON: March 6, 1986 - 4:30p.m. HESS Committee Hearing

PRESENTED BY: Jerome J. Mayfield, M.Ed., AACD Member  
Professional Counselor - State of Alaska

CC: Honorable Marco Pignalberi, House of Representative  
State of Alaska  
Pat Reeves, President  
Alaska Association for Counseling and Development  
The Honorable Marco Pignalberi, House of Representative  
State of Alaska  
Special Staff Assistant B. Dale  
Board of Commissions  
Mr. Peter Froehlich, Assistant Attorney General  
Professional File

In support of an Act to establish the Board of Behavioral Science, or its equivalent for the State of Alaska:

Be it understood that Professional Counselors in the State of Alaska who are Certified by the National Board for Certified Counselors (NBCC) should be GRANDFATHERED into the Proposed Bill (#424) whereby Behavioral Scientists are eligible to practice their professions within the State;

Be it understood that the NBCC Examination recognizes the diversity in educational preparation among candidates who apply for certification;

Be it understood that NBCC utilizes a common testing instrument to measure the knowledge of any professional counselor; and

Be it understood that by utilizing the NBCC examination and its fee structure to subsidize the state, this would eliminate administrative and financial repetition; and

Be it understood that those individuals who do not meet the educational criteria would be considered Associate/Peer Professional Counselors.

The NBCC Examination samples eight (8) topic areas deemed important for Professional Counselors, regardless of professional specialization. By using one examination and one fee structure, the State can benefit. Following are the eight (8) areas the NBCC Examination assesses. Definitions of those areas are relevant to behavioral sciences and human development.

DEFINITION OF THOSE CONTENT AREAS NBCC ASSESSES

(1) THE HELPING RELATIONSHIP:

This area includes philosophic bases of the helping relationship; consultation theory, practice, and application; and an emphasis on development of counselor and client (or consultee) self-awareness.

(2) GROUP DYNAMICS, PROCESSING AND COUNSELING:

This area includes theories and types of groups as well as descriptions of group practices, methods, dynamics, and facilitative skills.

(3) HUMAN GROWTH AND DEVELOPMENT:

This area includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological approaches. Also included are such areas as human behavior (normal and abnormal), personality theory and learning theory.

(4) LIFESTYLES AND CAREER DEVELOPMENT:

This area includes vocational choice theory, relationship between career choice and lifestyle, sources of occupational and educational information, approaches to career decision-making process and career development exploration.

(5) PROFESSIONAL ORIENTATION:

This area includes goals and objectives of professional organizations, CODES OF ETHICS, legal consideration, standards of preparation, certification, licensing, and role identities of counselors and other personnel services specialists.

(6) APPRAISAL OF INDIVIDUALS:

This area takes under consideration factors such as ETHNIC, CULTURAL, and SEX when providing a developmental framework for understanding the individual including methods of data gathering and interpretation, individual and group testing, case study approaches, and the study of individual differences.

(7) SOCIAL AND CULTURAL FOUNDATION:

This area includes studies of change, ethnic groups, subcultures, changing roles of women and men, sexism, urban and rural societies, population, patterns, cultural mores, use of leisure time and differing life patterns. This area also includes the integration of several disciplines, i.e., Behavioral Sciences, Economic and Political Science, etc., to achieve effective results through guidance, counseling and development.

(8) RESEARCH AND ASSESSMENT:

This area includes successful completion of course work in statistics, research (parametric and non-parametric) design and development of research and demonstration proposals. Also included is understanding legislation relating to the development of research, program development and demonstration proposals, as well as understanding the development and evaluation of program objectives.

BECAUSE there is no undergraduate program to prepare Guidance Counselors; BECAUSE Guidance Counselors are required to complete supervised practicums as a requisite to become a Professional Counselor; and BECAUSE there is a certification process and BOARD to certify Professional Counselors, Alaska Association for Counseling Development (AACD) is asking that Professional Counselors CERTIFIED by NBCC be GRANDFATHERED into PROPOSED HOUSE BILL NO. 424.

If AACD CERTIFIED Professional Counselors are Grandfathered into House Bill #424, it is assured that the public is protected from the unprofessional, improper, and unauthorized practice of the BEHAVIORAL SCIENCE Profession. Should the Professional Counselors who are certified by the NBCC be Grandfathered into a Bill establishing a Behavioral Science Board, or its equivalent, these professionals will meet those requirements specified by the State of Alaska. The Alaska's Association for Counseling and Development (AACD) supports House Bill #424 in concept, and it is understood that post secondary institutions in the State support the intent of House Bill #424 as well.

Thank you for accepting this testimony in support of HOUSE BILL #424.

END OF TESTIMONY IN FAVOR OF HOUSE BILL #424

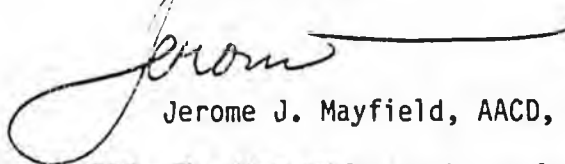
April 1, 1986

THE HONORABLE MAX GRUENBERG, REPRESENTATIVE  
HOUSE OF REPRESENTATIVES - STATE OF ALASKA  
FOURTEENTH ALASKA STATE LEGISLATURE  
Second Session, 1986  
POST OFFICE BOX V - STATE CAPITOL BUILDING

Dear Representative Gruenberg:

Reiterating my communication to you on behalf of the Legislative Affairs Committee of the Alaska Association for Counseling Development (AACD), we will support House Bill (HB) #396 and withdraw our support from HB #424.

Respectfully,



Jerome J. Mayfield, AACD, LCM

cc: HESS COMMITTEE MEMBERS, The Honorable Katie Hurley, The Honorable Marco Pingalberi, The Honorable Terry Martin, The Honorable Niilo Koponen, The Honorable Taylor, The Honorable Harley, The Honorable Pettijohn, The Honorable Arliss Sturgalewski, President Pat Reeves, AACD, Dr. Nora Young, Dr. Woody Hayes, Ms. Cynthia Terris, file

TESTIMONIAL DRAFT FOR HB #424

March 26, 1986

TO: THE HONORABLE MAX GRUENBERG & NILO KOPONEN  
Co-Chairmen for Health, Education & Social Services Committee  
State of Alaska Representatives  
The House of Representatives  
FOURTEENTH LEGISLATURE - Second Session

FROM: Jerome J. Mayfield, M.Ed., AACD, Legislative Affairs Committee *Jerome*

SUBJECT: Testimony on behalf of an Act establishing the Board of Behavioral Science to REGULATE Professional Counselors, Marriage and Family Therapists and Social Workers' Practices when Serving the public for Primary or Third Party Compensation

TESTIMONY:

Immediately, I refer your attention to the March 6, 1986, TESTIMONY regarding the Professional Counselors support of "An Act establishing the Board of Behavioral Science." Today, I am here to testify that we, the Professional Counselors, will not further support a bill for the subject cause.

Representatives, HESS Committee members, guests and other constituents, the Professional Counselors believe that our aforementioned decision is based upon reliable information. For example, it is our understanding that there are only four professionals within the State who are qualified to supervise Behavioral Science professionals in private practice; furthermore, two of the four professionals do not charge a fee. It is our understanding that the other two professionals charge \$60-\$70 dollars per supervised hour. This will add up to an astronomical amount of money for all new Behavioral Scientists entering private practice. We believe that this kind of LEGISLATURE will create a financial monopoly for a few and the public will be subjected to unprofessional, unethical, unauthorized, improper, etc., treatments.

In our best judgement, the Board of Behavioral Science Regulating the practices of Behavioral Scientists in private practices can be disastrous. This would not be in the best Economic, Political and Professional interests of Alaskans.

cc: HESS COMMITTEE MEMBERS, The Honorable Katie Hurley, The Honorable Marco Pignalberi, The Honorable Terry Martin, The Honorable Pettijohn, The Honorable Arliss Sturgaulowski, President Pat Reeves, AACD Legislative Committee, Professional Counselors, file

April 1, 1980

ALASKA ASSOCIATION FOR COUNSELING DEVELOPMENT (AACD)

(Testimonial Supportive Statements)

AACD LEGISLATIVE COMMITTEE MEMBERS (LCM):

Ms. Pat Reeves, President, AACD, LCM, Anchorage  
Dr. N. Young, AACD, LCM, Fairbanks  
Dr. Woody Hayes, AACD, LCM, Seward  
Ms. Cynthia Terris, AACD, LCM, Fairbanks  
Mr. Jerome J. Mayfield, AACD, LCM, Juneau

REASONS

The Alaska Association for Counseling Development (AACD)(Professional Counselors) discontinue its support for House Bill #424, or a bill to REGULATE three professional groups, e.g., MARRIAGE and FAMILY THERAPISTS, PROFESSIONAL COUNSELORS and SOCIAL WORKERS, to enhance Behavioral Science private practices and services to the public.

\*The Professional Counselors believe the intent of a consolidated bill to establish "An Act to create a Board of Behavioral Science to REGULATE the Practices of Behavioral Scientists in Private practice lost its intent, as initially presented in HB #424, or, as proposed by the Governor.

\*The Professional Counselors believe only a select few will benefit from a consolidated bill.

\*The Professional Counselors believe the changed intent of HB #424 will continue to subject the public to behavioral science mal-practices, e.g., UNPROFESSIONAL, UNAUTHORIZED, IMPROPER AND UNETHICAL STANDARDS, therefore,

The PROFESSIONAL COUNSELORS withdraw SUPPORT for House Bill #424 and SUPPORT HOUSE BILL #396, as presented by REPRESENTATIVE Max Gruenberg.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: 4/8/86

**REQUEST**

**FISCAL DETAIL**

Bill/Resolution No: CSHB 424 (HESS) Agency Affected: Commerce & Economic Dev.  
 Title: An Act establishing the Board of Behavioral Science; regulating marital and family therapists; amending Rule 504... BRU: Occupational Licensing  
 Sponsor: House HESS Components: \_\_\_\_\_  
 Requester: House HESS \_\_\_\_\_  
 Date of Request: 4/8/86 \_\_\_\_\_

**EXPENDITURES / REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		1.2	1.3	1.3	1.4	1.5
CONTRACTUAL		2.5	2.6	2.8	2.9	3.1
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>3.7</b>	<b>3.9</b>	<b>4.1</b>	<b>4.3</b>	<b>4.6</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		12.0	.8	12.0	.6	14.4
---------	--	------	----	------	----	------

**FUNDING: (Thousands of dollars)**

GENERAL FUND		3.7	3.9	4.1	4.3	4.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>3.7</b>	<b>3.9</b>	<b>4.1</b>	<b>4.3</b>	<b>4.6</b>

**POSITIONS:**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS:** Attach a separate page if necessary.

The bill establishes a structure in which professions relating to behavioral sciences can be incorporated into one licensing board. The bill also establishes the licensing of marital and family therapists. This agency has been informed that there are approximately 80 marital and family therapists who would be affected by this legislation upon passage. (See attached for further explanation.)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 4-8-86

Approved by Commissioner: [Signature] Date: 4-8-86  
 Agency: Commerce and Economic Development

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

Expenditures consists of the following:

Travel -

One face-to-face meeting in Anchorage, assuming the three board members from each of the following locations:

<u>LOCATION</u>	<u>TRAVEL</u>	<u>PER DIEM</u>	
Anchorage	\$ -0-	\$ 80	
Juneau (one member + Licensing Examiner)	704	160	
Fairbanks	212	80	
	\$ 916	\$ 320	= <u>\$ 1,236.00</u>
Total Travel Costs			\$ 1,236.00

Contractual -

Teleconferences:

One 6-hour teleconference meeting using the LTN System at \$50 per site/per hour. Anchorage, Juneau and Fairbanks.  
 $\$50 \times 3 = \$150 \times 6 =$  \$ 900.00

One 2-hour regulation teleconference hearing using the LTN System at \$50 per site/per hour. Anchorage, Juneau & Fairbanks.  
 $\$50 \times 3 = \$150 \times 2 =$  300.00

Public Notices:

Two board meetings, printed in three newspapers each at \$20 per notice.  $\$20 \times 3 = \$60 \times 2 =$  120.00

One regulations public notice, printed in three newspapers at \$60 each = 180.00

Postage, printing, telephone and other operating costs 1,000.00

Total Contractual Costs \$ 2,500.00

Grand Total: \$ 3,736.00

REVENUES:

Licensing fees were calculated based on costs incurred over a two-year licensing period, including \$2.1 yearly on-going overhead costs (estimated from a similar existing licensing function), and considering there are 80 marital and family therapists.

FY. 87: Assuming there will be 80 licensees: $\$150 \times 80 =$	\$ 12.0	
	\$ 3.7 - FY 87	
	2.1 - overhead	
	3.9 - FY 88	
	2.1 - overhead	
	\$11.8	
	-12.0	
	.2	balance

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

FY 88: Assuming there will be 10 new licensees: \$75 x 10 = \$ .8	\$ .2 - balance
(paying prorated biennial fee)	.8
	\$ 1.0 - balance

Licensing fees in the third year would require adjustment since revenues would exceed the costs of the function. To maintain consistency in matching revenues with costs, licensing/renewal fees would be adjusted to \$120 per licensee.

FY 89: Assuming there will be 90 licensees renewing, in addition to 10 new applicants: \$120 x 100 =	\$12.0	
		\$ 4.1 - FY 89
		2.1 - overhead
		4.3 - FY 90
		2.1 - overhead
		\$12.6
		- 1.0 - balance
		\$11.6
		-12.0
		\$ .4 - balance

FY 90: Assuming there will be 10 new licensees: \$60 x 10 = \$ .6		+ .6
(paying prorated biennial fee)		\$ 1.0 - balance

FY 91: Assuming there will be 110 licensees renewing in addition to 10 new applicants: \$120 x 120 =	\$14.4	
		\$ 4.3 - FY 90
		2.1 - overhead
		4.6 - FY 91
		2.1 - overhead
		\$13.1
		- 1.0 - balance
		\$12.1
		-14.4 - revenues
		\$ 2.3 - balance

We project that in the first two years, the biennial fee would be \$150 (\$75 annually). However, the number of licensees is projected to increase more quickly than costs, so in FY 89 the biennial fees are projected to drop to \$120 (\$60 annually).

Note that new applicants applying in the middle of the biennial period would be charged a prorated fee of \$75 or \$60, and then full fees at renewal time.