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COMMITTEE REPORT

HOUSE

2/19

JUDICIARY

FINANCE

FURTHER:

(7)

5/4/88

Date: 5/13/88

The Committee on LABOR & COMMERCE has had HR 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."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 924 (RAC) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note ^{sent} Sep 88
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Mike Davis

W.C. [unclear]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN



Official Business

Alaska State Legislature

House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

February 13, 1986

Dear Colleague:

Attached is a copy of HB424 along with a proposed Committee Substitute for the bill and a section by section analysis of the Committee Substitute.

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.

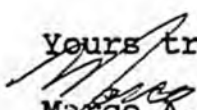
The bill before the Labor and Commerce Committee today is a result of that. This bill will enable those involved in the behavioral science professions to establish a basis for adopting professional standards in their field.

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 A. Pignalberi
Representative

MAP:mep

Introduced: 5/4/85
Referred: Labor & Commerce,
Judiciary and Finance

1 IN THE HOUSE

BY PIGNALBERI

2

HOUSE BILL NO. 424

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing the Board of Behavioral Science
7 Examiners; amending Rule 504 of the Alaska Rules of
8 Evidence; 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 (26) Board of Behavioral Science Examiners (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 08.64.380-
8 (2), or a person engaged in any manner in the healing arts who diag-
9 noses, treats, tests, or counsels other persons in relation to human
10 health or disease and uses the letters "M.D." or the title "doctor" or
11 "physician" or another [ANY OTHER] title that [WHICH] tends to show
12 that the person is willing or qualified to diagnose, treat, test, or
13 counsel another person, shall clarify the letters or title by adding
14 the appropriate specialist designation, if any, such as "dermatolo-
15 gist", "radiologist", "audiologist", "naturopath", or the like.

16 * Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:
17 (21) Board of Behavioral Science Examiners (AS 08.15.010) --
18 June 30, 1988.

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

20 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

21 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE EXAMINERS.

22 Sec. 08.15.010. BOARD ESTABLISHED. There is established the
23 Board of Behavioral Science Examiners.

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

28 (b) The members of the board must be residents of the state for
29 three years before appointment.

1 (c) Each professional member must

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

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

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

11 (b) Before appointment, the governor shall request a list of
12 eligible candidates for a board position from the professional organi-
13 zations in the state that represent the behavioral science professions
14 required for the board position.

15 (c) The governor shall annually designate one member of the
16 board to serve as chairperson of the board.

17 (d) The governor may not appoint the same person more than once
18 to fill an unexpired term on the board. A person may not serve as a
19 member of the board for more than two consecutive terms.

20 Sec. 08.15.040. MEETINGS. The board shall hold three meetings
21 each year and may hold special meetings at the call of the chairperson
22 or a majority of the board members.

23 Sec. 08.15.050. REMOVAL OF BOARD MEMBERS. The governor may
24 remove a member of the board for good cause, including:

25 (1) neglect of duty;

26 (2) incompetence;

27 (3) prolonged illness that impairs the execution of board
28 duties;

29 (4) unprofessional conduct;

- 1 (5) conviction of a felony;
- 2 (6) judgment impaired by the use of alcohol or drugs;
- 3 (7) unexcused absences from board meetings;
- 4 (8) conviction of a crime involving moral turpitude;
- 5 (9) an emotional disturbance that prevents the member from
- 6 carrying out board duties;
- 7 (10) addiction or severe dependency on alcohol or another
- 8 drug.

9 Sec. 08.15.060. POWERS AND DUTIES OF THE BOARD. (a) The board
10 shall

11 (1) examine applicants and issue licenses to qualified
12 applicants;

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

15 (3) establish continuing education requirements for license
16 renewal in each behavioral science profession regulated by the board
17 after consulting with the standards committee for the behavioral
18 science profession for which the continuing education requirements are
19 being established;

20 (4) adopt a code of ethical practice for each behavioral
21 science profession regulated by the board after a review of the ethi-
22 cal standards set out by the national behavioral science professional
23 organizations for the behavioral science profession for which the code
24 is being adopted;

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

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

29 (7) forward minutes of board meetings to the department

1 within 20 days of each meeting;

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

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

6 (b) The board may seek and obtain grants, gifts, an. other
7 funds, excluding loans, from private and public foundations and insti-
8 tutions to carry out the provisions of this chapter.

9 Sec. 08.15.070. STANDARDS COMMITTEE. (a) The board shall
10 appoint a standards committee for each behavioral science profession
11 that it regulates under this chapter.

12 (b) Each standards committee shall be comprised of three board
13 members representing a behavioral science profession regulated by the
14 board and a public member of the board.

15 (c) Each standards committee shall advise the board about the
16 licensing and regulation of the behavioral science profession that is
17 the subject of that particular standards committee.

18 (d) Each standards committee shall recommend to the board the
19 following items for the behavioral science profession that it repre-
20 sents:

21 (1) by a majority vote, the approval or disapproval of the
22 granting of licenses;

23 (2) approval of the examination for licensure;

24 (3) the grading of examinations;

25 (4) policy and regulation changes;

26 (5) investigations, hearings, or assessment of violations
27 of this chapter;

28 (6) penalties for violations of this chapter;

29 (7) the contents of examinations;

1 (8) ethical standards;
2 (9) licensure guidelines or criteria for licensure and
3 supervision requirements.

4 (e) Each standards committee shall perform the following duties:

5 (1) review applications, handle routine inquiries, and
6 provide information to the general public;

7 (2) act as a liaison between the board and educational
8 institutions;

9 (3) assist the board in keeping a registry of licensees,
10 supervisors, supervisees, and license renewals;

11 (4) assist the board in establishing continuing education
12 requirements for licensing renewal, and supervisor requirements;

13 (5) develop and administer proceedings for the license
14 application process;

15 (6) other duties relating to licensure that the board
16 delegates to the standards committee.

17 (f) A decision of a standards committee is not final until the
18 board approves the decision. The board may initiate an action or
19 otherwise perform a duty that a standards committee is authorized to
20 perform.

21 (g) A decision of the board relating to a behavioral science
22 profession regulated by the board is not effective unless approved by
23 two or more members of the standards committee for that behavioral
24 science.

25 Sec. 08.15.080. PROCEDURES. The Administrative Procedure Act
26 (AS 44.62) applies to regulations and proceedings under this chapter.

27 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

28 Sec. 08.15.090. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a)
29 The board shall issue a license to practice marital and family therapy

1 to a person who

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

3 (2) pays the fee required under AS 08.15.140;

4 (3) furnishes evidence satisfactory to the board that the
5 person

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

8 (B) holds a master's degree, doctorate, or the equiva-
9 lent, from an accredited educational institution approved by the
10 board, for which the person completed a course of study that
11 included one year of supervised marital and family therapy clin-
12 ical practice with 500 hours of supervised client contact and

13 (i) three courses in marital and family therapy;

14 (ii) three courses in marital and family studies;

15 (iii) three courses in human development;

16 (iv) one course in professional studies or profes-
17 sional ethics and law;

18 (v) one course in research;

19 (C) after receiving a degree listed in (B) of this
20 paragraph, has

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

25 (ii) has been supervised in the clinical contact
26 for at least 200 hours, including 100 hours of individual
27 supervision and 100 hours of group supervision approved by
28 the board; and

29 (D) has passed a written or oral examination

1 administered by the board.

2 (b) The board shall credit an applicant with the hours the
3 applicant has earned in supervised practice under AS 08.15.100 towards
4 satisfaction of the hours of supervision required under this section.

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

9 (d) A license issued under this section expires two years from
10 the date of issue. It may be renewed by payment of the fee required
11 under AS 08.15.140 and by satisfaction of the continuing education
12 requirements established by the board for the renewal of licenses
13 issued under this section.

14 Sec. 08.15.100. LICENSE FOR SUPERVISED PRACTICE. (a) The board
15 shall issue a four-year license for the supervised practice of marital
16 and family therapy to a person who meets the requirements of AS 08.-
17 15.090(a)(1), (2), and (3)(A) - (B).

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

19 (1) under the direct supervision of a supervisor approved
20 by the board; and

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

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

25 (d) A licensee under this section shall submit to the board for
26 its approval a proposed plan for satisfying the supervision require-
27 ments of AS 08.15.090(a)(3)(C).

28 (e) A licensee under this section shall use the title "marital
29 therapy associate," "family therapy associate," or other title that is

1 approved by the board.

2 (f) The board shall revoke a license for supervised practice if
3 the person fails the examination required under AS 08.15.100 two times
4 while the person is licensed under this section.

5 Sec. 08.15.110. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL
6 AND FAMILY THERAPY. (a) The board shall issue a temporary license
7 for the practice of marital and family therapy to an applicant who
8 satisfies the requirements of AS 08.15.090(a)(1), (2) and (3)(A),(B)
9 and (C) and has been approved by the board to take the marital and
10 family therapy examination.

11 (b) A person may practice under a temporary license until the
12 board issues the results of the first marital and family therapy
13 examination given after issuance of the person's temporary license and
14 either issues or denies a license under AS 08.15.090 to the person.

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

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

24 Sec. 08.15.120. LICENSURE BY CREDENTIALS. The board shall issue
25 a license to practice marital and family therapy to a person who

26 (1) is licensed as a marital and family therapist in another
27 state that has requirements for the license or certificate that are
28 substantially equal to or greater than the requirements of this state;
29 and

1 (2) meets the requirements of AS 08.15.090(a)(1), (2), and
2 (3)(A).

3 Sec. 08.15.130. APPROVED SUPERVISORS. (a) Except for super-
4 vision under AS 08.15.090(a)(3)(B), a person may not supervise a
5 person in the practice of marital and family therapy unless the person
6 is approved by the board.

7 (b) The board shall approve as a supervisor a person who
8 (1) applies to the board for the approval;
9 (2) is licensed under this chapter to practice marital and
10 family therapy; and

11 (3) meets the minimum standards established for supervisors
12 by the American Association of Marriage and Family Therapy.

13 (c) Notwithstanding (b) of this section, the board shall approve
14 as a supervisor a member of a mental health profession other than the
15 marital and family therapy profession if the person meets the criteria
16 established by the board for approval of a member of another mental
17 health profession as a supervisor.

18 (d) The board shall establish continuing education requirements
19 for marital and family therapy supervisors approved by the board.

20 (e) A supervisor approved under this section shall satisfy the
21 continuing education requirements established by the board.

22 (f) The board may cancel its approval of a person as a super-
23 visor if the person commits an act listed in AS 08.15.170, fails to
24 satisfy the continuing education requirements established by the
25 board, or otherwise violates a provision of this chapter.

26 ARTICLE 3. GENERAL PROVISIONS.

27 Sec. 08.15.140. FEES. The following fees shall be imposed under
28 this chapter:

29 (1) application\$ 25

1 (2) examination125
2 (3) credential review125
3 (4) license under AS 08.15.090200
4 (5) temporary license200
5 (6) license for supervised practice200
6 (7) renewal of license under AS 08.15.090200
7 (8) renewal of temporary license200

8 Sec. 08.15.150. PRIVILEGED COMMUNICATION. A person licensed
9 under this chapter may not reveal to another person a communication
10 made to the licensee by a client about a matter concerning which the
11 client has employed the licensee in a professional capacity. This
12 section does not apply to a case conference with other licensees or if
13 the client in writing authorizes the licensee to reveal a communica-
14 tion.

15 Sec. 08.15.160. MALPRACTICE INSURANCE. Persons licensed under
16 this chapter shall maintain insurance against liability for negligence
17 in the practice of the behavioral science profession for which they
18 are licensed.

19 Sec. 08.15.170. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
20 TIONS. After a hearing, the board may impose a disciplinary sanction
21 on a person licensed under this chapter when the board finds that the
22 person

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

25 (2) engaged in deceit, fraud, or intentional misrepresenta-
26 tion in the course of providing professional services or engaging in
27 professional activities;

28 (3) advertised professional services in a false or mislead-
29 ing manner;

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

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

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

7 (A) professional incompetence;

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

11 (C) physical or mental disability;

12 (7) engaged in lewd or immoral conduct in connection with
13 the delivery of professional services to clients.

14 Sec. 08.15.180. DISCIPLINARY SANCTIONS. (a) When it finds that
15 a licensee has committed an act listed in AS 08.15.170, the board may
16 impose the following sanctions singly or in combination:

17 (1) permanently revoke a license to practice;

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

19 (3) censure a licensee;

20 (4) issue a letter of reprimand;

21 (5) place a licensee on probationary status and require the
22 licensee to

23 (A) report regularly to the board on matters involving
24 the basis of probation;

25 (B) limit practice to those areas prescribed;

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

29 (6) impose limitations or conditions on the practice of a

1 licensee.

2 (b) The board may withdraw a limitation, condition, or proba-
3 tionary status if it finds that the deficiency that required the sanc-
4 tion has been remedied.

5 (c) The board may summarily suspend a license before final
6 hearing or during the appeals process if the board finds that the
7 licensee poses a clear and immediate danger to the public welfare and
8 safety if the licensee continues to practice. A person whose license
9 is suspended under this section is entitled to a hearing by the board
10 no later than seven days after the effective date of the order. The
11 person may appeal the suspension after the hearing to the superior
12 court.

13 (d) The board may reinstate a license that has been suspended or
14 revoked if the board finds after a hearing that the applicant is able
15 to practice with reasonable skill and safety.

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

20 Sec. 08.15.190. PROHIBITED ACTS. Unless a person is licensed
21 under this chapter, the person may not

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

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

28 (3) advertise that the person practices a behavioral sci-
29 ence profession regulated by this chapter for which the person is not

1 licensed under this chapter.

2 Sec. 08.15.200. PENALTIES. A person who violates AS 08.15.190
3 is guilty of a class B misdemeanor.

4 Sec. 08.15.210. EXEMPTIONS. (a) This chapter does not apply to
5 a person who practices a behavioral science profession regulated by
6 this chapter consistent with the accepted standards and code of ethics
7 of the person's profession and as part of the person's duties as

8 (1) a psychologist or psychological associate;

9 (2) a physician or psychiatrist;

10 (3) an attorney or judge;

11 (4) a member of the clergy;

12 (5) an employee of a governmental unit, educational insti-
13 tution, or nonprofit agency who is required to practice the behavioral
14 science profession during the employment, if

15 (A) the employer maintains appropriate supervision of
16 the person's practice of the behavioral science profession activ-
17 ities;

18 (B) the person practices the behavioral science pro-
19 fession as part of the duties for which the person is employed;

20 (C) the person practices the behavioral science pro-
21 fession in the facility where the person is employed or under the
22 supervision of the governmental unit, educational institution, or
23 nonprofit agency where the person is employed; and

24 (D) the person does not render or offer to render the
25 services of the behavioral science profession to the public for
26 compensation in addition to the salary the person receives from
27 the governmental unit, educational institution, or nonprofit
28 agency;

29 (6) a student, intern, or resident pursuing a course of

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

7 (b) A person exempt under this section may not use a title or
8 description stating or implying that the person is a behavior science
9 professional licensed under this chapter.

10 Sec. 08.15.220. DEFINITIONS. In this chapter, unless the con-
11 text indicates otherwise,

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

17 (2) "board" means the Board of Behavioral Science Exami-
18 ners;

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

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

28 (A) the professional application of assessments and
29 treatments of psychotherapeutic services to individuals, couples,

1 and families for the purpose of treating the diagnosed emotional
2 and mental disorders;

3 (B) an applied understanding of the dynamics of mari-
4 tal and family interactions, along with the application of psycho
5 therapeutic and counseling techniques for the purpose of resolv-
6 ing intrapersonal and interpersonal conflict and changing
7 perceptions, attitudes, and behaviors in the area of human rela-
8 tionships and family life;

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

13 * Sec. 7. AS 09.5 .560(1) is amended to read:

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

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

27 (9) "health care provider" means a behavioral science
28 professional licensed under AS 08.15, a chiropractor licensed under
29 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist

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

10 * Sec. 9. AS 39.50.200(b) is amended by adding a new paragraph to read:
11 (48) Board of Behavioral Science Examiners (AS 08.15).

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

14 (53) Board of Behavioral Science Examiners (AS 08.15.010).

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

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

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

25 (1) two members for a term of two years;

26 (2) one member for a term of three years;

27 (3) one member for a term of four years.

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

1 licensed for the purpose of AS 08.15.020 if the person would be entitled to
2 a license under AS 08.15.090(a)(1) - (3)(A) - (B). The Board of Behavioral
3 Science Examiners shall issue a license to practice marital and family
4 therapy to each professional member appointed under this section.

5 (c) A license issued under this chapter is subject to the same re-
6 newal requirements as a license issued under AS 08.15.090 as enacted by
7 sec. 6 of this Act.

8 * Sec 13. (a) Notwithstanding AS 08.15.090 enacted by sec. 6 of this
9 Act the board shall issue a license to practice marital and family therapy
10 to a person who

11 (1) satisfies the requirements of AS 08.15.090(a)(1) - (3)(A)
12 enacted by sec. 6 of this Act;

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

15 (A) marital and family therapy; or

16 (B) an appropriate course of study approved by the board
17 and substantially equivalent to the following: three courses in
18 marital and family studies; three courses in marital and family ther-
19 apy; three courses in marital and family studies; three courses in
20 human development; one course in research; one course in professional
21 studies or professional law and ethics; and one year of supervised
22 clinical practice;

23 (3) either

24 (A) within three years of the person's application, has
25 practiced marital and family therapy including at least 1,500 hours of
26 direct clinical contact with couples and families, and has been super-
27 vised in the clinical contact for at least 200 hours, including 100
28 hours of individual supervision; or

29 (B) is a clinical member of the American Association of

1 Marriage and Family Therapy; and

2 (4) has practiced marital and family therapy as a resident of
3 the state immediately preceding the application.

4 (b) A license under this section is subject to the same renewal
5 requirements as a license issued under AS 08.15.090 as enacted by sec. 6 of
6 this Act.

7 (c) The board shall liberally construe the requirements of (a) of
8 this section for the purposes of licensing every person as a marital and
9 family therapy professional who merits licensing by virtue of their educa-
10 tion, training, and experience in the field of marital and family therapy.

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

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

15 (2) has practiced marital and family therapy for three years or
16 more; and

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

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

22 * Sec. 15. AS 08.15.150, enacted by sec. 6 of this Act has the effect
23 of amending Rule 504 of the Alaska Rules of Evidence by creating for a
24 behavioral science professional licensed under secs. 6, 12 or 13 of this
25 Act, a privilege to refuse to disclose information.

26 * Sec. 16. This Act takes effect July 1, 1985.

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DATE: 2/11/86

CALL PETER FROEHLICH -- 465-3600

BOOKPROOFED: _____

APPROVED: _____

PROPOSED CS FOR HOUSE BILL NO. 424

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

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."

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

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

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

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

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

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

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

(1) collect fees and issue receipts;

(2) maintain records and files;

(3) issue and receive application forms;

(4) notify applicants of acceptance or rejection of applicants as determined by the board;

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

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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

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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 Examiners (AS 08.15.010) --

19 June 30, 1990.

20 * Sec. 6. AS 00 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

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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's proceedings each year;

29 (6) perform the administrative duties required by

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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

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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 44.62.310 -- 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

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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).

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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

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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 psycho therapeutic
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

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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 bachelor's degree in social work from a school
4 with a social work program accredited by the Council on Social Work
5 Education.

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 bachelor's degree in social work from a school
11 with a social work program accredited by the Council on Social Work
12 Education.

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

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

23 (c) A social worker may practice social work autonomously only
24 if

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

26 (2) the board has approved the specialty in which the
27 person may engage as a private practitioner and authorizes designation
28 of the specialty on the person's license;

29 (3) the license bearing a designation of speciality is

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1 prominently displayed in the place the person engages in private
2 practice; and

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

5 ARTICLE 4. PROFESSIONAL COUNSELORS.

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

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

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

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

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

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

29 (b) "Counseling services" includes engaging in methods and

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1 techniques that include

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

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

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

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

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a
27 license to practice a behavioral science profession to an applicant
28 who

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

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

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

5 Sec. 08.15.920. TEMPORARY LICENSE. (a) The board shall
6 temporary license to an applicant who satisfies all the require-
7 for permanent licensure except for passing the examination and who has
8 been approved by the board to take the examination.

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

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

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

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

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

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

29 (3) pays the fee established by the department under

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1 AS 08.01.065; and

2 (4) furnishes evidence satisfactory to the board that the
3 applicant

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

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

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

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

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

17 Sec. 08.15.950. FEES. The department shall, by regulations
18 adopted under AS 08.01.065, establish fees for behavioral science
19 professionals for the following:

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

28 Sec. 08.15.960. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral
29 science professional licensed under this chapter may not disclose

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1 information provided to the licensee by a client in the course of
2 their professional conduct. 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 license is
26 required by state or federal laws or regulations to disclose.

27 Sec. 08.15.970. 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

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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 felony or other crime that
10 affects the person's ability to continue to practice competently and
11 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 dependency on alcohol or another drug
17 that impairs the person's ability to practice safely;

18 (C) physical or mental disability;

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

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

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

25 Sec. 08.15.980. DISCIPLINARY SANCTIONS. (a) When it finds that
26 a licensee has committed an act listed in AS 08.15.170, the board may
27 impose the following sanctions singly or in combination:

28 (1) permanently revoke a license to practice;

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

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1 (3) censure a licensee;
 2 (4) issue a letter of reprimand;
 3 (5) place a licensee on probationary status and require the
 4 licensee to

5 (A) report regularly to the board on matters involving
 6 the basis of probation;

7 (B) limit practice to those areas prescribed;

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

11 (6) impose limitations or conditions on the practice of a
 12 licensee.

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

16 (c) The board may suspend a license upon receipt of a certified
 17 copy of evidence that a license to practice medicine in another state
 18 or territory of the United States or province of Canada has been
 19 suspended or revoked. The suspension remains in effect until a hear-
 20 ing can be held by the board.

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

25 Sec. 08.15.990. PROHIBITED ACTS AND PENALTY. (a) Unless a
 26 person is licensed under this chapter, the person may not

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

29 (2) use a title indicating or representing that the person

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BOOKPROOFED: _____

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1 practices or is licensed to practice a behavioral science profession
2 regulated by this chapter for which the person is not licensed under
3 this chapter;

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

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

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

13 (1) a psychologist or psychological associate;

14 (2) a physician or psychiatrist;

15 (3) an attorney or judge;

16 (4) a member of the clergy;

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

24 Sec. 08.15.999. DEFINITIONS. In this chapter, unless the con-
25 text indicates otherwise,

26 (1) "advertise" includes issuing or causing to be dis-
27 tributed a card, sign or device to a person, or causing, permitting or
28 allowing a sign or marking on or in a building or structure, or in a
29 newspaper, magazine, or directory, or on radio or television, or using

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1 other means designed to secure public attention;

2 (2) "board" means the Board of Behavioral Science Examin-
3 ers;

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

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

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

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

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

25 (9) "health care provider" means a behavioral science
26 professional licensed under AS 08.15; a chiropractor licensed under
27 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-
28 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
29 optician licensed under AS 08.71; an optometrist licensed under

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1 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist
 2 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
 3 trist; a psychologist and a psychological associate licensed under
 4 AS 08.86; and a hospital as defined in AS 18.20.130, including a
 5 governmentally owned or operated hospital; a corporate entity covered
 6 under AS 21.88.050(b)(12); and an employee of a health care provider
 7 acting within the course and scope of employment;

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

9 (48) an occupational licensing board or commission (AS 08).

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

12 (53) Board of Behavioral Science Examiners (AS 08.15.010).

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

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

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

23 (1) three members for a term of one year;

24 (2) three members for a term of two years;

25 (3) three members for a term of three years.

26 (b) In making the initial appointments of professional members to the
 27 Board of Behavioral Science Examiners, the governor shall consider a person
 28 licensed for the purpose of AS 08.15.020 if the person qualifies to take
 29 the examination for the license. The Board of Behavioral Science Examiners

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6

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1 shall issue a two-year temporary license to each professional member ap-
2 pointed under this section.

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

6 (1) qualifies to take the examination for a permanent license; or

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

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

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

18 (2) has been practicing social work under the supervision of a
19 person eligible to be licensed under this Act for at least two years, and
20 successfully completes the examination required by AS 08.87.100(a)(2); or

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

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

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

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

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

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

* Sec. 15. AS 08.15.960, enacted by sec. 6 of this Act, has the effect of amending Rule 504 of the Alaska Rules of Evidence by creating for a behavioral science professional licensed under secs. 6, 12, or 13 of this Act a privilege to refuse to disclose information.

* Sec. 16. Sections 1 -- 6 and 9 -- 16 of this Act take effect immediately in accordance with AS 01.10.070(c).

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

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

DEPARTMENT OF LAW
DRAFT # _____

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1 shall issue a temporary license to each professional member appointed under
2 this section.

3 * Sec. 13. (a) The board shall issue a two-year temporary license to
4 practice a behavioral science to a person who qualifies to take the exami-
5 nation for a permanent license.

6 (b) The board shall issue a temporary bachelor social worker license
7 to a person that

8 (1) holds a degree in social work from a school with a social
9 work program that is not accredited by the Council on Social Work Education
10 or a bachelor's or master's degree in a social sciences field related to
11 social work as defined by the board, and has been practicing under the
12 title "social worker" for at least 24 consecutive months before July 1,
13 1988; or

14 (2) has been practicing social work under the supervision of a
15 person eligible to be licensed under this Act for at least two years, and
16 successfully completes the examination required by AS 08.87.100(a)(2); or

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

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

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

24 (2) has practiced marital and family therapy for three years or
25 more; and

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

28 (b) A person approved as a supervisor under this section is subject
29 to the continuing education requirements and cancellation provisions of

SECTION-BY-SECTION ANALYSIS

SECTION 1:

Legislative Findings; Purpose -- No change from HB 424. NASW commented that "since all behavioral science professionals are not included, this statement is not true."

SECTION 2:

AS 08.01.010 on the applicability of AS 08.01 (centralized licensing) is amended to add new board. No change from HB 424.

SECTION 3:

AS 08.01.050(a)(19) on the administrative duties of department is amended to add investigations for the new board. No change from HB 424.

SECTION 4:

AS 08.02.010(a) on professional designations is amended to add the newly licensed professions. No change from HB 424. NASW commented that the existing list should be shortened.

SECTION 5:

AS 08.03.010(c) on sunset of boards is amended to add the new board. No change from HB 424.

SECTION 6:

AS 08 on occupational licensing is amended to add a chapter for the new board.

ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

AS 08.15.010. Board established. No change from HB 424, except word "Examiners" dropped from board name.

AS 08.15.020. Membership. Committee substitute provides for equal representation on 9 person board instead of on 12 person board as in HB 424. Committee substitute also deletes 3 year residency requirement. NASW comments that that representation should be based on the number of licensees in each profession. NASW also comments about concern that the requirement that professional board members have 4 years experience in the profession affects the highest level of social work licensees.

AS 08.15.030. Board Appointments. Committee substitute reduces terms from 4 to 3 years. Committee substitute deletes requirement that governor get list of nominees from professional organizations. Committee substitute deletes requirement that governor annually designate the chair of the board.

AS 08.15.040. Meetings. Committee substitute reduces required number of meetings from 3 per year to

the standardized requirement of 1 per year with an unlimited number of teleconference meetings authorized. Both NASW and AAMFT comments suggest a minimum of 2 meetings per year.

(Committee substitute deletes what was designated AS 08.15.050 in HB 424 concerning removal of board members only for cause. This deletion means that AS 08.01.020, which provides that board members serve at the pleasure of the governor.)

AS 8.15.050. Powers of Board. Committee substitute changes "shall" to "may", at the suggestion of AAMFT and NASW, deletes unnecessary power to adopt ethical code, and deletes power to seek and obtain outside funding.

AS 08.15.060. Standards Committee. Committee substitute reduces professional members on each standards committee from 3 to 2 to correspond with reduction in AS 08.15.020. Committee substitute retains "shall" at suggestion of both NASW and AAMFT. Committee substitute consolidates and eliminates unnecessary and repetitious powers of standards committees. NASW suggests that the full board be bound to follow standards committee recommendations "unless there is clear and verifiable evidence for

disapproval."

AS 08.15.070. Procedures. Committee substitute exempts standards committees from all of AS 44.62, except open meetings.

ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

AAMFT has asked that the committee substitute be returned to the repetitive format of HB 424 so that such provisions as, license by exam, temporary license, credential license, prohibited acts, and exemptions would be repeated for each profession. However, in the interests of brevity, simplicity, and efficiency these provisions are set out once for all 3 professions in Art. 5. General Provisions.

AS 08.15.110. Qualifications for Examination. Committee substitute amends what was designated AS 08.15.090 (qualifications for license) in HB 424 to include only those requirements unique to this profession.

NASW has commented that the meaning of "or the equivalent" in (a)(2) and of professional studies in (a)(2)(D) are unclear and the committee substitute therefore deletes those terms as unnecessary.

AAMFT has suggested changes to (a)(3)(B) to require 2 supervisors and at least 100 hours of individual supervision. These changes have been made.

NASW has pointed out that applicants can be credited for the same supervised practice hours twice, once for their degree and once for their license.

AS 8.15.120. License for Supervised Practice. Committee substitute condenses what was designated as AS 08.15.100 in HB 424, requirements which were adopted by the reference in HB 424 to AS 08.15.090(a)(1) -- (3)(B) and adopts by reference AS 08.15.110(a)(1) and (2) which were designated as AS 08.15.090(a)(1) -- (3)(B).

NASW suggests that this special nonrenewable 4 year license for supervised practice be made renewable every four years but AAMFT wants it kept 4 year nonrenewable. All other licenses are 2 year renewable licenses under AS 08.15.940 in Art. 5, General Provisions.

AAMFT requested the addition in the committee substitute of AS 08.15.120(a)(4) concerning filing a plan of supervision and 08.15.120(f) and (g), concerning the details of supervision.

NASW objects to AS 08.15.120(b) and (c) as unappropriate restrictions upon a supervised licensee.

AS 08.15.130. Approved Supervisors. NASW has made the excellent suggestion that this section (and implicitly perhaps sec. 120) would be better left to regulations adopted by the board. Even though we agree with this suggestion or at least the setting out of uniform supervision requirement in Art. 5, General Provisions, we have left secs. 120 and 130 alone in this draft for further discussion.

NASW has also suggested that the continuing education requirement authorized by AS 08.15.050(3) and mentioned in this section be made mandatory.

AS 08.15.140. Scope of Practice. Committee substitute redesignates what was a definition in AS 08.15.-220(4).

At AAMFT's request, paragraphs (1) and (2) were switched and the lead in slightly modified.

NASW suggests changing "diagnose" to "assess" so both are used as a possible compromise.

ARTICLE 3. SOCIAL WORKERS.

NASW has suggested that SB 227 be set out here in its entirety. However, as with the similar suggestion of AAMFT, regarding Art. 2, we have avoided such a repetitious approach in the interests of brevity, simplicity, and efficiency. Only the provisions necessarily unique to each profession are set out.

AS 08.15.210. Qualifications for Examination. This section is derived from AS 08.87.100 in SB 227.

AS 08.15.240. Scope of Practice. This section is derived from AS 08.87.110 in SB 227.

ARTICLE 4. PROFESSIONAL COUNSELORS.

AS 08.15.310. Qualifications for Examination. This section is derived from AS 08.85.050 in HB 396 with the primary deletion being the requirement of filing a "statement of professional intent."

AS 8.15.340. Scope of Practice. This section is derived from AS 08.85.190(2) and (4) in HB 396.

ARTICLE 5. GENERAL PROVISIONS.

The following sections govern procedural, mechanical, and administrative matters which are the same for all 3 professions:

AAMFT has suggested that these provisions be set out separately for each profession. Most are derived from HB 424 except for the confidentiality sec. 960 which is from SB 227.

AS 08.15.910. License by Examination.

AS 08.15.920. Temporary License.

AS 08.15.930. License by Credentials. NASW has commented that "reciprocity may prove to be difficult with other states since most licenses are granted according to one's academic degree." ??

AS 08.15.940. Renewal of License. NASW has suggested that the renewal period be changed from 4 to 2 years. This change has been made to correct an error which arose from confusion with the nonrenewable 4 year supervised practice license for MFT's.

AS 08.15.950. Fees. NASW and AAMFT have both suggested that fees be set out in the statute. However, under AS 08.01.065 added by ch. 37, SLA 1985, all occupational licensing fees are to be set by Department of Commerce and Economic Development regulation,

based on actual costs and with the concurrence of the appropriate board.

AS 08.15.960. Confidentiality.

AS 08.15.970. Grounds for Imposition of Discipline Sanctions. Committee substitutes adds 2 grounds for discipline: (1) discipline in another state (from SB 227 and AS 08.64.326(a)(13) on M.D. discipline); and (2) violation of a code of ethics adopted by the board suggested by AAMFT.

AS 08.15.980. Disciplinary Sanctions. Committee substitute deletes the general summary suspension and reinstatement provisions because of procedural due process concerns, but adds a provision on suspension upon notice of discipline in another jurisdiction (from AS 08.64.331(a) on M.D. disciplines).

AS 08.15.990. Prohibited Acts and Penalties.

AS 08.15.995. Exemptions. This is another section that AAMFT suggests be set out for each profession.

AAMFT suggests deleting the list of other professions

who are exempt in favor of an exemption only for professionals licensed in a related field. This would not exempt the clergy or attorney and maybe not even physicians.

NASW has stated its opposition to the exemption in (5) for government employees. Therefore, it has been deleted with the concurrence of the Department of Health and Social Services (DHSS).

NASW has also objected to the prohibition by former (b) of the use of a professional title by exempt people. DHSS, which employs social workers, also concurs in the deletion of the provision.

AS 08.15.999. Definitions. NASW has suggested deleting the definition of "supervision" or using the same definition as in AS 08.86 on psychologists.

SECTIONS 7 -- 12 make housekeeping changes to other titles to add behavioral science profession.

SECTIONS 13 -- 15 are transitional provisions. Section 15 is a special grandfather provision for MFT approved supervisors. NASW suggests moving this provision but is properly a "Temporary and Special Act." Special grandfather provisions have been added to provide a temporary license

to bachelor level social workers who have experience but not the required academic degree. This accommodates the concerns of DHSS which has agreed to deletion of the exemption of state employees. No grandfathering into a permanent license without exam is allowed anyone. Rather a two-year temporary license is provided to allow time for the exam.

SECTION 16 states that new AS 08.15.960 would amend Rule of Evidence 504. No change from HB 424.

SECTIONS 17 -- 19 set effective dates of parts of the bill. No change from HB 424.

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

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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.

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* DELIVER TO: JFOM *
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* *
* 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.

TO: ALL REPRESENTATIVES

FROM: BEULAH OLSON, P.O., BOX 296, DELTA JCT., AK 99737

RE: HB 279 - ALZHEIMERS

WE URGE YOUR SUPPORT OF THIS BILL. ALZHEIMER'S DISEASE IS THE
FOURTH CAUSE OF DEATH IN OUR COUNTRY. WE SHOULD HELP BOTH THOSE
WITH THIS DISEASE AND THEIR FAMILIES.

*
* DELIVER TO: JFOM *
*
* ORIGINAL *
* SENT: 02/11/86 TIME: 14:24 *
* FROM: JEAN MILLER *
* SUBJECT: FOM *
* 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 PIGNALBERTI

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.



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*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 02/11/86 TIME: 16:25
* FROM: JEAN MILLER
* SUBJECT: POM
* PRINT DATE: 02/11/86 TIME: 16:25
*

41

TO: ALL REPRESENTATIVES

FROM: CAROL JACOBSEN
3605 ARCTIC, NO. 443
ANCHORAGE, AK 99503

PHONE: 561-3162

SUBJECT: HB 424 - INCLUSION OF PROFESSIONAL COUNSELORS

I SUPPORT 424 WITH THE INCLUSION OF PROFESSIONAL COUNSELORS.

TO: ALL MEMBERS OF THE HOUSE

FROM: JANE WINDSOR
319 E. BENTLEY DRIVE
FAIRBANKS, AK, 99701

PHONE: 456-6035-H

RE: H CSCSSB 140 (JUD), RIGHTS OF THE TERMINALLY ILL.

MSG: SUPPORT CSSB 140 BUT AMEND BACK TO ORIGINAL DRAFT. DO NOT REQUIRE COURT APPROVAL AND GIVE OPTION TO REJECT FORCE FEEDING. SINCERELY, JANE WINDSOR, A.A.R.P. & PRES OF FAIRBANKS RETIRED TEACHERS ASSC.

FOM

TO ALL SENATORS
TO ALL REPRESENTATIVES

FROM
BROTHER TOM PATMOR
P.O. BOX 124
CLAM GULCH, ALASKA 99568
RE: WASTING \$ WITH NO RESULTS
MESSAGE: I QUESTION THE WORTH OF STATE FUNDED STUDIES AND COMMISSIONS. THE INVESTIGATION LAST YEAR OF PRICE FIXING REGARDING GASOLINE PRICES HAS HAD NO IMPACT WHATSOEVER ON THE KENAI PENINSULA. A 2 1/2 YEAR STUDY BY THE BOROUGH PRECEDED IT AND FOUND NO LOGICAL EXPLANATION WHY KENAI'S PRICES ARE HIGHER THAN ANCHORAGE'S.
EOM...

TO: ALL LEGISLATORS

FROM: RON FEIGER, BOX 111766, ANCHORAGE, AK 99511, 349-1292

SUBJECT: HB 424, BOARD OF BEHAVIORAL SCIENCE EXAMINERS

WITH REFERENCE TO HB 424, I WOULD LIKE TO HAVE WORDING PROVIDED IN THIS BILL TO INCLUDE LICENSING MASTER LEVEL COUNSELORS IN ADDITION TO MARRIAGE AND FAMILY COUNSELORS. IT IS DISCRIMINATION TO RESTRICT LICENSURE ONLY TO MARRIAGE AND FAMILY COUNSELORS. COUNSELOR WHO ARE AS ACADEMICALLY PREPARED AND PROFESSIONALLY COMPETENT SHOULD BE AFFORDED EQUAL CONSIDERATION.

TO ALL SENATORS
TO ALL REPRESENTATIVES

FROM
BROTHER TOM PATMOR
P.O. BOX 124
CLAM GULCH, ALASKA 99568
RE: ALTERNATIVE TO JAN FAIKS BILL
MESSAGE: RATHER THAN GIVING OIL COMPANIES AND THEIR SUBCONTRACTORS A \$6,000 CREDIT ON THEIR TAXES FOR EVERY ALASKAN THEY HIRE, KILL TWO BIRDS WITH ONE STONE AND GIVE THEM AN ADDITIONAL \$6,000 TAX LIABILITY FOR EVERY NON-RESIDENT THEY HIRE. THIS WOULD HELP UNEEMPLOYMENT AND MAKE MONEY FOR THE STATE.
EOM...

TO: ALL LEGISLATORS

FROM: RICHARD WHEELER, P.O. BOX 90917, ANCHORAGE, AK 99509, 248-4527

SUBJECT: PRESUMPTIVE SENTENCING RULES

I WOULD LIKE TO VOICE MY SUPPORT OF DON CLOCKSIN'S MOVEMENT TO CHANGE THE PRESUMPTIVE SENTENCING LAW.

*
* DELIVER TO: JFOM *
* *
* ORIGINAL *
* SENT: 02/11/86 TIME: 12:51 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE: 02/11/86 TIME: 12:51 *
* *

411

TO: ALL MEMBERS OF HOUSE OF REPRESENTATIVES

FROM: SHIRLEY L. DICKENS, 6509 CHEVIGNY ST., ANCHORAGE, 99502,
HM, 243-1641, WK, 562-2211

RE: SB 140, RIGHT TO LIFE

I URGE THE SUPPORT OF SB 140, BUT WITHOUT THE PROVISIONS OF A
JUDGE'S SIGNATURE OR THE FORCE FEEDING CLAUSE BECAUSE THESE TWO
PROVISIONS NULLIFY THE EFFECT OF THE BILL AND SHOULD BE OMITTED.

TO: REP. DAVIS AND COPY TO ALL REPRESENTATIVES

FROM: H. WARNER, P.O. BOX 80674, COLLEGE 99708

PHONE: 488-6058

RE: HB470 OIL AND HAZARDOUS RELEASES

PLEASE MAKE SURE THAT THE BIOLOGICALLY INERT ARSENIC SOLIDS
LOCKED IN PLACER MINING SLUDGES ARE SPECIFICALLY EXEMPTED FROM
THE HAZARDOUS WASTE MANAGEMENT PROGRAM. THE RESEARCH OF DR. DAN
HAWKINS AND U. S. PUBLIC HEALTH SERVICE SUPPORTS THIS REQUEST.

TO: ALL REPRESENTATIVES

FROM: SHIRLEY WHITTINGHAM, NATIONAL CERTIFIED COUNSELOR, MEMBER OF
ALASKA COUNSELING AND DEVELOPMENT ASSOCIATION
BOX 78624, WASILLA, 99687
PHONE: 373-1460 HOME

RE: HB 424 BD. OF BEHAVIORAL SCIENCE EXAMINERS

I SUPPORT HB 424 WITH THE INCLUSION OF PROFESSIONAL COUNSELORS.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 424
 Title: Establishing the Board of Behavioral Science Examiners
 Sponsor: Rep. Pignalberi
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: _____
Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		33.1	34.8	36.5	38.4	40.3
200 TRAVEL		57.5	60.3	63.3	66.5	69.8
300 CONTRACTUAL		9.5	10.0	10.5	11.0	11.6
400 SUPPLIES		1.0	1.1	1.2	1.2	1.2
500 EQUIPMENT		3.6				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		104.7	106.2	111.5	117.1	122.9
CAPITAL						
REVENUE		***				

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		104.7	106.2	111.5	117.1	122.9
FEDERAL FUNDS						
OTHER						
TOTAL		104.7	106.2	111.5	117.1	122.9

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill establishes a Board of Behavioral Science Examiners and establishes licensing of "behavioral science practitioners" with no definition of a "behavioral science practitioner". See attached for further analysis.

***Also, see attached explanation on revenues.

Prepared By: Jennifer Strickler, Mgnt Analyst Phone: 465-2144
 Division: Occupational Licensing Date: May 28, 1985

Approved by Commissioner: Loren H. Lounsbury Date: _____
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

.. HB 424 - FISCAL IMPACT

(NOTE: 5% inflation factor projected for FY '87 through
FY '90 for operating costs)

100__PERSONAL SERVICES:

1 Licensing Examiner, Range 12A,
GGU, 12 months, to be located in Juneau \$33,145.82

200__TRAVEL:

Section 08.15.020 require three (3) members from "each" behavioral science profession and one (1) member for "each" profession regulated. Since the legislation is extremely vague, and due to lack of definition of a "behavioral science practitioner", the following calculations are based on an assumption of occupations which could be considered "behavioral science practitioners." These are: 1) Marital and Family Therapists, 2) Psychologists, 3) Psychological Associates, 4) Social Workers, 5) Counselors. This would total a board of 20 members.

The following are based on the assumption that six (6) members will be from the Fairbanks area, seven (7) members from the Anchorage area, and seven (7) members from the Juneau area. Section 08.15.040 require the board to hold three meetings a year and may hold "special meetings at the call of the chairperson or a majority of the board members." We anticipate "special meetings" to be held by teleconference.

Board travel:

Anchorage meeting -

7 Anchorage members, transportation	-0-
Per diem @ \$80 per day x 2 days x 7	\$ 1,120.00
7 Juneau members + staff, transportation @ \$352 each	2,816.00
Per diem @ \$80 per day x 2 days x 7	1,280.00
6 Fairbanks members, transportation @ \$212 each	1,272.00
Per diem @ \$80 per day x 2 days x 6	960.00
	<hr/>
	\$ 7,448.00

Juneau meeting -

7 Anchorage members, transportation @ \$352 each	2,464.00
Per diem @ \$80 per day x 2 days x 7	1,120.00
7 Juneau members, transportation	-0-
Per diem \$80 per day x 2 days x 7	1,120.00
6 Fairbanks members, transportation @ \$564 each	3,384.00
Per diem \$80 per day x 2 days x 6	960.00
	<hr/>
	\$ 9,048.00

HB 424 - FISCAL IMPACT, continued

Fairbanks meeting -

7 Anchorage members, transportation @ \$212	\$ 1,484.00
Per diem \$90 per day x 2 days x 7	1,260.00
7 Juneau members + staff, transportation @ \$564 each	4,512.00
Per diem \$90 per day x 2 days x 7	1,440.00
6 Fairbanks members, transportation	-0-
Per diem \$90 per day x 2 days x 6	1,080.00
	<u>\$ 9,776.00</u>

Standards Committee: Section 08.15.070 mandates the board to appoint a standards committee of four (4) members for each behavioral science profession regulated, for the purposes of carrying out the duties of the chapter. The standards committee will also require funding to meet as often as the board.

The following are based on four members from each profession, assuming two members are from Anchorage, two members from Juneau and one member from Fairbanks.

Anchorage meeting = \$1,716.00 x 5 committees =	\$ 8,580.00
Juneau meeting = \$2,068.00 x 5 committees =	10,340.00
Fairbanks meeting = \$2,452.00 x 5 committees =	12,260.00
	<u>\$ 31,180.00</u>

CONTRACTUAL SERVICES:

Postage, telephone, printing, and other operating costs 5,900.00

Regulation hearing costs (at least 4 hearings) and an additional board meeting using the teleconference network for the Board, and each of the five committees.
(Base fee = \$50 x 3 = \$150)
(Anchorage, Juneau, and Fairbanks sites free during normal State work hours.) 150.00

Costs of meeting, and examination facilities. Based on three board meetings, and two examinations at \$150 per site per day x 2 days each 1,500.00

Notices of meetings and regulation projects are mandated by the Administrative Procedure Act to be published in the "newspaper of general circulation." Therefore, the following estimated costs would apply:
Advertising (public noticing) costs at \$60 each x 3 major newspapers = \$180 x 8 (4 meetings, 2 exams, & 2 regulation hearings) 1,440.00

Computer terminal use, at \$45 per month (Licensing Examiner use only) 540.00

\$ 9,530.00

HB 424 - FISCAL IMPACT, continued

400 COMMODITIES:

Stationery, typewriter ribbons, pens, pencils, and other miscellaneous desk top supplies	1,000.00
--	----------

500 EQUIPMENT: (one time costs only)

1 desks double pedestal, 70" x 36" at 747.08	747.08
1 chair, swivel with arms at 257.69	257.69
1 typewriter, IBM Selectric II at 1,304.19	1,304.19
1 chair, side without arms at 120.33	120.33
1 desk calculator	382.89
1 file cabinet, 5 drawer legal with lock at 426.63	426.63
1 table 72" x 36" at 357.38	357.38
	\$ 5,596.19

GRAND TOTAL:	\$ 104,724.01
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*** Revenues are contingent upon the number of practitioners considered to be "Behavioral Science practitioners". It would not be feasible to make a revenue assumption at this time based on the occupations mentioned in the preceding calculations, since we are aware only of the number of psychologists and psychological associates. Although previous information have indicated approximately 20 Perinatal and Family Therapists, and 315 Social workers, we have no information on the number of Counselors that would be affected, or the method in which these practitioners would apply (Section 3.15.140 lists eight (8) licensing fee provisions).

MAY 9 1985

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

West
MEMORANDUM

May 9, 1985

SUBJECT: Sectional Analysis of HB 424
TO: Representative Marco Pignalberi
FROM: Theresa L. Bannister *TB*
Legislative Counsel

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

Section 2 lists the Board of Behavioral Science Examiners 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, 1988.

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

Sec. 08.15.010 establishes the Board of Behavioral Science Examiners.

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

Sec. 08.15.020(b) requires that a board member be a three-year resident of the state.

Sec. 08.15.020(c) 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 four years.

Sec. 08.15.030(b) directs the governor to solicit names of eligible candidates for board positions from appropriate professional organizations.

Sec. 08.15.030(c) directs the governor to designate the chairperson of the board each year.

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

Sec. 08.15.040 sets the frequency of regular board meetings and who can call special meetings.

Sec. 08.15.050 authorizes the governor to remove a board member for good cause and lists some items that constitute good cause.

Sec. 08.15.060 itemizes the powers and duties of the board.

Sec. 08.15.070 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. The section establishes the duties of a standards committee and the relationship between the board and the committee.

Sec. 08.15.080 applies the Administrative Procedure Act to regulations and proceedings of the board.

Sec. 08.15.090 establishes the qualifications for a marital and family therapy license; restricts the taking of a subsequent examination after failing; establishes the duration and renewal of the license; and authorizes continuing education requirements for the license renewal.

Sec. 08.15.100 authorizes the board to issue a license to practice marital and family therapy under supervision, establishes the criteria for issuing the license, and sets certain conditions on the use and duration of the license.

Sec. 08.15.110 authorizes the issuance of a temporary license to practice marital and family therapy to qualified

applicants who are waiting to take the exam, and specifies certain conditions affecting the duration and renewal of the temporary license.

Sec. 08.15.120 authorizes the board under certain conditions to issue a license to a person who is licensed as a marital and family therapist in another state.

Sec. 08.15.130 prohibits a person in certain situations from supervising another person in marital and family therapy unless the person is approved by the board; establishes the criteria for approval; and authorizes the board to cancel its approval under certain conditions.

Sec. 08.15.140 sets the licensing fees for the chapter.

Sec. 08.15.150 restricts the circumstances when a marital and family therapist can reveal communications made by a client.

Sec. 08.15.160 requires a person licensed by the board to carry malpractice insurance.

Sec. 08.15.170 establishes the grounds for disciplinary actions by the board.

Sec. 08.15.180 establishes the disciplinary sanctions that the board may impose and requires the board to seek consistency in its application of sanctions.

Sec. 08.15.190 prohibits an unlicensed person from practicing marital and family therapy, representing that the person is licensed, or advertising that the person is licensed.

Sec. 08.15.200 makes a person who violates Sec. 08.15.190 guilty of a class B misdemeanor.

Sec. 08.15.210 lists the persons and occupations that are exempt from the licensing requirements of the chapter and prohibits them from representing that they are licensed marital and family therapists.

Sec. 08.15.220 is the definition section for the licensing 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 Examiners 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 clarifies 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 for the licensing of the initial professional members of the board.

Section 13 is intended to establish special marital and family therapy licensing requirements for the first year of the act. However, to do so, the section needs a paragraph stating that the section applies only to persons who apply for a license within one year of the effective date of the Act.

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. 08.15.150 of the act amends Rule 504 of the Alaska Rules of Evidence.

Section 16 makes the act effective July 1, 1985.

TLB:mkr
J14/107



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 *[Signature]* 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

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

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

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 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 final 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 Navarre
Chair, House Labor & Commerce
Committee
Ak. House of Representatives

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

Hon. Loren H. Lounsbury, 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, 1986
Page 5

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

PRESENTED AS: TESTIMONY TO HOUSE BILL #424
as Proposed in
THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - SECOND SESSION

PRESENTED ON: February 14, 1986 at 1:15p.m. Proposed Hearing

PRESENTED BY: Jerome J. Mayfield, Me.d., *Jerome J. Mayfield*
Guidance and Counseling
Alaska Association for Counseling and Development (AACD)
of the State of Alaska

CC: Pat Reeves, President
Alaska Association for Counseling and Development

In support of an Act to establish the Board of Behavioral Science for the State of Alaska:

CERTIFIED

Be it understood that Guidance Counselors in the State of Alaska who are Certified by the National Association for Counseling and Development (NBCC) should be GRANDFATHERED into the proposed ACT whereby Behavioral Scientists are eligible to practice their profession in the State; *BOARD*

Be it understood that the Counselors certified by the NBCC are academically trained to successfully complete an examination assessing their cognitive counseling knowledge for certification;

Be it understood that the NBCC Examination recognizes the diversity in educational preparation among candidates who apply for certification; therefore, the NBCC utilizes a common instrument of measurement; and,

The NBCC Examination samples eight (8) topic areas deemed important for Professional Counselors, regardless of professional specialization.

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 FUNDATION:

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 EVALUATION:

This area includes successful completion of course work in statistics, research (parametric and non-parametric) design and development of research and demonstration proposals. It includes understanding legislation relating to the development of research, program development and demonstration proposals, as well as 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 Guidance Counselor;
BECAUSE there is a certification process and BOARD to certify Guidance Counselors, and that a Behavioral Science Board in the State of Alaska would duplicate some aspects already performed by the NBCC, Inc.;

BE it understood that the Alaska's Association for Counseling Development are asking that Guidance Counselor already CERTIFIED by NBCC get GRANDFATHERED into the PROPOSED HOUSE BILL NO. 424 to allow Guidance Counselors to practice their profession, as CERTIFIED by NBCC.

Providing that AACD CERTIFIED Guidance 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, so long as Guidance Counselors meet those requirements specified by NBCC and the State of Alaska. AACD supports House Bill #424, and it is understood that the post secondary institutions with Guidance and Counseling Programs support this bill too.

PACKET FOR HB 424

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."

This packet contains the following:

Historical overview letter dated 2-13-86

House Bill 424

Proposed CS for House Bill No. 424

Section-by-Section Analysis of Proposed CS

Anchorage Daily News article dated 4-15-85 in support of Super Board bill

POMs which have been received pertaining to HB424

Boards and Commissions list from occupational licensing

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

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By: Peter B. Froehlich
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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.

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- 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

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 final 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 Navarre
Chair, House Labor & Commerce
Committee
Ak. House of Representatives

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

Hon. Loren H. Lounsbury, 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, 1986
Page 5

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

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Department of Law

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BEHAVIORAL HEALTH LICENSING MEETING
Governor's Conference Room
3601 West 36th Avenue
Anchorage, Alaska
September 13, 1985

Present were:

Carol Derfner
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Deputy Commissioner for Social Services
Department of Health and Social Services
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Anchorage, Alaska 99508
Telephone: (907) 561-1847

Roger Poppe, Legislative Aide
Representative Mike Navarre
House Labor and Commerce Committee
1024 West Sixth Avenue
Suite 200-A
Anchorage, Alaska 99501
Telephone: (907) 276-5045

Christopher Clark, Legislative Aide
Representative Max F. Gruenberg, Jr.
House Health, Education, and Social Services Committee
1024 West Sixth Avenue
Suite 201-D
Anchorage, Alaska 99501
Telephone: (907) 276-3240

Carol Derfner started the Behavioral Health Licensing meeting at 10:00 am, and adjourned it at 12:30. She began by requesting that someone take minutes, and Christopher Clark of Rep. Gruenberg's office volunteered. She then proceeded to outline the goals and objectives of the meeting, which were basically to come to consensus on, and developing an amended version of, House Bill 424 by Pignalberi that could be used to establish a new Board of Behavioral Science Examiners, and an outline agenda as follows:

- 1 Introduction and Expectation
- 2 Review Pending Legislation
- 3 Identify Consensus Points, Agreements and Conflicts
- 4 Conflict Resolution
- 5 Review/Follow-up
- 6 Comments
- 7 Adjournment

Ms. Derfner warned that when government comes, bureaucracy follows. Members of boards are public and NOT industry representatives. Although

Occupational Licensing is designed to protect the public and not industry, most of the number of complaints the division sees are cases of one practitioner within the industry against another.

Ms. Derfner stressed: let's work out the minimal legislation required to establish a board. Let's not get carried away with writing detailed, complex legislation. This actually hurts the board's activity, because it ties their hands to statutory requirements, which are harder to change, rather than leaving most of it to regulatory development, which is much easier to change.

Commerce's Occupational Licensing will staff and administer HB 424. Already the division is responsible for the licensing of 99 professions in the state. Within the division there are two sections: Licensing and Investigating. Both sections are already understaffed.

Ms. Derfner reviewed the number of bills related to the licensing of social workers and counselors. Today's meeting would focus on fine-tuning HB 424 and using it as a model. Already the Senate HESS Committee has passed SB 227, a bill relating to the licensing of social workers.

Ms. Derfner praised HB 424 for having one solid board for the behavioral sciences.

Peter Froehlich asked what model states did the drafters of HB 424 turn to. John Pagan said that years of work were put into this draft and that the states of Georgia, California, Florida, and Michigan were used as models.

Mr. Froehlich asked how many licensees would the board have to address. Here are the following estimates offered by the members present:

- 149 Counselors who belong to the Alaska Association of Counseling and Development;
- 42 Counselors who belong to the National Board of Certified Counselors;
- 145 State Social Workers;
- 240 Social workers who belong to the National Association of Social Workers;
- 40 Marriage and Family Therapists.

616 Total

Presently, there is no profession licensing of counselors at all. Counselors merely must have a business license in order to practice.

Roger Poppe asked the members to consider paraprofessionals. Ms. Derfner acknowledged the importance of this issue but asked that this issue be taken up later in the meeting.

Mr. Froehlich then gave a section-by-section analysis of HB 424. He advised keeping the language as broad as possible. He suggested as one alternative to creating a new board, that we could consider expanding the Board of Psychologists and Psychological Associate Examiners, but the

members were overwhelmingly opposed to this. Mr. Webber argued that this would only be thwarted by the legislative process and Ms. Chase pointed out that psychologists already have professional licenses whereas social workers, professional counselors, and marriage and family therapists do not, so the psychologists would resist any additions to their Board.

Ms. Derfner again stressed that we do not need a perfect bill, just one that passes.

Mr. Froehlich then continued giving a section-by-section analysis of HB 424.

Ms. Derfner explained that membership on 20% of the boards are confirmed by the legislature. All quasi-judicial and regulatory boards and executive department appointments by the Governor must be confirmed by the legislature (with the exception of the Bd. of Education, whose members are appointed by the state Board of Education).

Mr. Webber stated that ethical guidelines can be established by each association. Ethical standards are not legal standards.

The meeting had a snag with section 08.15.070 (page 6) regarding the standards committee. Ms. Derfner suggested not placing this in statute for once done, only the legislature can make changes. She urged that the members keep themselves flexible by setting up a standards committee through regulation that would deal with ethical issues. This would make it easier for the board to change. However, the professional people in attendance at the meeting seemed to indicate a clear preference for keeping a standards committee in the bill rather than set it up through regulation.

Mr. Froehlich questioned AS 08.15.080 and suggested leaving it open-ended. Have a Technical Advisory Group created by regulations like those used by the Medicaid Rate Commission. The Administrative Procedure Act is too binding.

Add licensed social workers, clinical social workers. Counselors group need to set up regulations for Article 2.

Ms. Derfner also announced that today the Governor formed a Governor's Task Force to investigate insurance and to gather facts on professional liability. She predicted that insurance will be one of next session's major issues.

Mr. Froehlich suggested leaving the qualifications for licensing less detailed and suggested they be clarified in regulations. Again he stressed that the bill be less specific. Mr. Webber requested Mr. Froehlich to red line the bill and when he finished, to circulate it to the members.

Ms. Derfner stated that the board is too big as it is currently written in the bill (page 3, line 24). The way the bill is written now, there would be twelve members. She pointed out that while some boards have 20+ members, the average size of most current boards are five to seven, with nine being an upper limit. She suggested that the board be cut down to nine: two counselors, two social workers, two marriage and family therapists, and

three members of the public. Perhaps in the future the board would include therapists and counselors in controlled substances as well.

Returning to the issue of the standards committee, the group of professionals preferred keeping it as it is written, and leaving it in the bill. Mr. Froehlich suggested that he could easily delete half of this section so as to guarantee the board flexibility.

Ms. Sipe urged that in regards to insurance, language should be included that would protect the state from liability.

The issue of paraprofessionals was brought up again. Mr. Poppe and Ms. Sipe explained to the group of professionals that this is a serious political issue that must be addressed so that the bill may pass. A career education ladder must be developed to assist bush paraprofessionals in obtaining degrees and certificates if they so desire them. A lot of these paraprofessionals have been in the state working at providing services to people in need in rural areas for a long time, and it would be unfair to overlook them. Besides, the political reality is that some of the most powerful people in the legislature are bush legislators, and if something is not done to at least deal with these people, the bill will very likely not pass.

Ms. Chase said that the paraprofessionals could keep their current jobs but, for purposes of licensing, they could no longer call themselves "social workers." She suggested calling them "associates."

Ms. Derfner announced Barbara Dale as her replacement as the Special Assistant in charge of Boards and Commissions. Ms. Dale will be working with women's issues and also with Boards, but will not be taking as active a role with Board development and activity as Carol had, because most of the key changes that were needed have already taken place.

Before the meeting's end, it was agreed that Mr. Froehlich would do a mock-up of the bill with today's proposed changes and that the professionals would write follow-up letters to Representatives Pignalberi, Koponen, Gruenberg, and the members of the House Health, Education, and Social Services Committee.

BOARDS AND COMMISSIONS

ATHLETIC COMMISSION:	-----	-----
A.E.L.S.:	-----	-----
BARBERS & HAIRDRESSERS:	-----	-----
CHIROPRACTORS:	-----	-----
COLLECTION AGENCIES:	<u>TRADE</u>	-----
CONTRACTORS:	<u>TRADE</u>	-----
CONCERT PROMOTERS:	<u>TRADE</u>	-----
DENTAL:	-----	-----
DISPENSING OPTICIANS:	-----	-----
ELECTRICAL ADMINISTRATORS:	-----	-----
GEOLOGISTS:	<u>TRADE</u>	-----
GUIDES:	-----	-----
MEDICAL:	-----	-----
MARINE PILOTS:	-----	-----
MORTUARY SCIENCE:	<u>TRADE</u>	-----
NURSING:	-----	-----
NURSING HOME ADMIN.:	-----	-----
OPTOMETRY:	-----	-----
PHARMACY:	-----	-----
PHYSICAL THERAPY:	-----	-----
PSYCHOLOGY:	-----	-----
PUBLIC ACCOUNTANCY:	-----	-----
VETERINARY:	-----	-----

COMMENTS:

Introduced May 3 and referred to Health, Education & Social Services, Judiciary.

Bd. of Behavioral Science Examiners
(establishing)
page 782

HOUSE BILL NO. 424, by Rep. Pignalber. Would establish the Board of Behavioral Science Examiners "to ensure that the public is protected from the unprofessional, improper, and unauthorized practice of the behavioral science professions." The board would consist of three persons from each behavioral

HB 424 (cont'd)

science profession regulated by the board and one public member for each profession regulated by the board. Members must be state residents for three years before appointment. Outlines powers and duties of the board, and requires the board to appoint a standards committee for each behavioral science profession it regulates.

Establishes qualifications for marital and family therapists (also see HB 421, this report), and sets out licensing requirements. Lists grounds for imposition of disciplinary sanctions, prohibited acts, penalties, and exemptions.

Behavioral science professionals are listed under the definition of "health care provider" as it appears in numerous statute references, and under the definition of "practitioner of the healing arts." Section extending privileged status for disclosure of information to licensed behavioral science professionals has the effect of amending Rule 504 of the Alaska Rules of Evidence. Provides Act takes effect July 1, 1985.

Introduced May 4 and referred to Labor & Commerce, Judiciary, Finance.

Natural Gas Lease on State Land
(royalty value)

HOUSE BILL NO. 425, by Rep. Pearce. Amends AS 38.05.180 (Oil and Gas Leasing) by adding a new subsection: "(aa) Notwithstanding other provisions of this section, the value of the production of natural gas taken in value and sold under a lease issued under (f) of this section may not exceed the long-term contract price for the natural gas unless it is established by clear and convincing evidence that the long-term contract price was unreasonably low at the time of contract." The law would apply retroactively to leases issued before this law takes effect. Provides for immediate effective date. Identical to SB 309.

Introduced May 4 and referred to House Oil & Gas, Resources.

INTRODUCTION OF RESOLUTIONS (House)

Fisheries Enhancement
(Andy Simons Wilderness Unit)

HOUSE JOINT RESOLUTION NO. 38, by Reps. Navarre & Marrou. Requests the U.S. Fish and Wildlife Service to continue to permit the stocking of fish and the enhancement of the fishery resources within the Tustumena Lake of the Kenai National Wildlife Refuge.

Introduced April 29 and referred to House Fisheries, Resources.

Alaska Crude Oil
(export of)

HOUSE JOINT RESOLUTION NO. 39, by the House Special Committee on Oil and Gas. Urges Alaska's Congressional delegation to continue using its best efforts to obtain passage of legislation permitting the foreign export of Alaskan crude oil.

MAY 9 1985

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

West
MEMORANDUM

May 9, 1985

SUBJECT: Sectional Analysis of HB 424
TO: Representative Marco Pignalberi
FROM: Theresa L. Bannister *TB*
Legislative Counsel

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

Section 2 lists the Board of Behavioral Science Examiners 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, 1988.

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

Sec. 08.15.010 establishes the Board of Behavioral Science Examiners.

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

Sec. 08.15.020(b) requires that a board member be a three-year resident of the state.

Sec. 08.15.020(c) 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 four years.

Sec. 08.15.030(b) directs the governor to solicit names of eligible candidates for board positions from appropriate professional organizations.

Sec. 08.15.030(c) directs the governor to designate the chairperson of the board each year.

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

Sec. 08.15.040 sets the frequency of regular board meetings and who can call special meetings.

Sec. 08.15.050 authorizes the governor to remove a board member for good cause and lists some items that constitute good cause.

Sec. 08.15.060 itemizes the powers and duties of the board.

Sec. 08.15.070 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. The section establishes the duties of a standards committee and the relationship between the board and the committee.

Sec. 08.15.080 applies the Administrative Procedure Act to regulations and proceedings of the board.

Sec. 08.15.090 establishes the qualifications for a marital and family therapy license; restricts the taking of a subsequent examination after failing; establishes the duration and renewal of the license; and authorizes continuing education requirements for the license renewal.

Sec. 08.15.100 authorizes the board to issue a license to practice marital and family therapy under supervision, establishes the criteria for issuing the license, and sets certain conditions on the use and duration of the license.

Sec. 08.15.110 authorizes the issuance of a temporary license to practice marital and family therapy to qualified

applicants who are waiting to take the exam, and specifies certain conditions affecting the duration and renewal of the temporary license.

Sec. 08.15.120 authorizes the board under certain conditions to issue a license to a person who is licensed as a marital and family therapist in another state.

Sec. 08.15.130 prohibits a person in certain situations from supervising another person in marital and family therapy unless the person is approved by the board; establishes the criteria for approval; and authorizes the board to cancel its approval under certain conditions.

Sec. 08.15.140 sets the licensing fees for the chapter.

Sec. 08.15.150 restricts the circumstances when a marital and family therapist can reveal communications made by a client.

Sec. 08.15.160 requires a person licensed by the board to carry malpractice insurance.

Sec. 08.15.170 establishes the grounds for disciplinary actions by the board.

Sec. 08.15.180 establishes the disciplinary sanctions that the board may impose and requires the board to seek consistency in its application of sanctions.

Sec. 08.15.190 prohibits an unlicensed person from practicing marital and family therapy, representing that the person is licensed, or advertising that the person is licensed.

Sec. 08.15.200 makes a person who violates Sec. 08.15.190 guilty of a class B misdemeanor.

Sec. 08.15.210 lists the persons and occupations that are exempt from the licensing requirements of the chapter and prohibits them from representing that they are licensed marital and family therapists.

Sec. 08.15.220 is the definition section for the licensing 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 Examiners 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 clarifies 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 for the licensing of the initial professional members of the board.

Section 13 is intended to establish special marital and family therapy licensing requirements for the first year of the act. However, to do so, the section needs a paragraph stating that the section applies only to persons who apply for a license within one year of the effective date of the Act.

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. 08.15.150 of the act amends Rule 504 of the Alaska Rules of Evidence.

Section 16 makes the act effective July 1, 1985.

TLB:mkr
J14/107

REPORT AND RECOMMENDATION
ON THE REGULATION OF
MARRIAGE COUNSELORS
IN MICHIGAN

October 1, 1982



COMMISSION ON PROFESSIONAL
AND
OCCUPATIONAL LICENSURE
MICHIGAN DEPARTMENT OF LICENSING AND REGULATION

COMMISSION ON PROFESSIONAL AND OCCUPATIONAL LICENSURE

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Walter T. Anderson William H. Iverson
John L. Ayre, Jr. Andrew G. McLemore, Sr.

Public Members

Dennis L. Berry Beverly Geyer
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Muriel Converse, Chairperson David E. S. Marvin

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PREFACE

This report is the eighth in a series of 21 evaluations being done in response to a mandate from the Michigan Legislature embodied in Section 215 of 1980 PA 299, as amended. The Act calls for the creation of a temporary Commission on Professional and Occupational Licensure (COPOL), with eleven members appointed by the Director of Licensing and Regulation with the advice and consent of the Senate. The Act further requires that four of the members be persons licensed or registered under the Act, and that seven members be representatives of the general public. The life of the Commission is four years.

The charge to the Commission is to recommend to the Legislature changes in the regulatory provisions of the Act, including the possible repeal of certain articles. The criteria to be used in this evaluation are:

1. The ability of the general public to competently evaluate the service provided by an occupation.
2. Whether an occupation directly offers services to the general public.
3. A balancing of the costs of regulation, including entrance restriction and reduced competition in an occupation through licensure or registration, with the costs incurred by the general public as a result of nonlicensure or nonregistration.
4. The quality of consumer information provided by the Department and the Board.
5. The capacity of existing mechanisms to protect the general public.
6. The number and frequency of penalties imposed on persons under Article 15 or a statute repealed by the Act.
7. The availability of alternative forms of regulation of an occupation, including registration, and civil or criminal prosecution under state consumer protection laws and similar state laws.
8. The increase or decrease in competence of an occupation as a direct result of a licensure or registration requirement under this Act.

This particular report focuses on marriage counselors and the appropriateness of regulation, and makes recommendations for improvements in the present form of regulation for this profession in the State of Michigan.

SUMMARY AND RECOMMENDATIONS

SUMMARY

The basic function of state licensure statutes is to protect the public health, morals, safety, and general welfare. The three ways in which licensure laws address this function are as follows: 1) they establish entry requirements, either by education, experience, or examination, which must be met before an individual may offer services to the public; 2) they provide a means for discipline for incompetent or unethical practice, and enforcement of licensing standards; 3) they prohibit unlicensed practice or use of legally protected titles, thereby preventing unqualified persons from misrepresenting themselves to the public. The key question that the Commission on Occupational and Professional Licensure must address is whether these controls by the State are warranted for the field of marriage and family therapy. After careful analysis of this field of professional practice COPOL has concluded:

- 1) that it is in the public interest to have assurances that the services in this field are offered by properly trained and experienced individuals;
- 2) that incompetence or unethical activities can harm clients, who need recourse for such if it should occur;
- 3) that a publicly advertised title should represent a qualified practitioner, reliably offering services which can affect the health and well-being of the persons seeking services.

RECOMMENDATIONS

As a result of its series of meetings and investigations of the appropriateness of regulation of * marriage and family therapists (marriage counselors), the Commission on Professional and Occupational Licensure recommends the continuation of regulation for this field, based upon the above described need for public protection.

As part of its deliberations, the Commission has also concluded that there does exist an overlap of functions among all mental health practitioners, notably psychologists, social workers, and marriage and family therapists. For this reason, the Commission recommends that consideration be given to the implementation of a coordinated system of regulation for those individuals engaged in the practice of behavioral science professions which are involved in the delivery of mental health services to the public.

*"Marriage counselor" as a professional title has been replaced by the term "marriage and family therapist". The terms are used interchangeably in this report, chiefly where current statutory language retains the older term, "marriage counselor".

DEFINITION AND HISTORY OF THE PROFESSION

Marriage and family counseling is a service that provides guidance, psychotherapy, or behavioral assistance to alleviate marital or family conflict, and to help troubled individuals or family groups to solve emotional and other problems which may prevent normal functioning. Marriage and family therapists are members of a clinical mental health profession which utilizes scientific knowledge and behavioral skills which are specifically directed toward assisting individuals, married couples, and families to solve emotional and functional difficulties experienced by families under stress. Professional marriage and family therapists offer psychotherapy, conflict resolution, and other treatment to alleviate or resolve intra-marriage and intra-family conflict. They also help with divorce resolution where a marriage cannot be saved, adjustment to divorce, and the rebuilding of troubled or fragmented families, thus encompassing the broadest range of family therapeutic services.

Marriage and family therapists embrace a variety of theoretical approaches and use many different modes of treatment and intervention. They may see the marital partners and family members together, individually, or in various combinations. Depending on the situation, help may range from crisis intervention to long-term intensive psychotherapy. A concern with the marital relationship and the dynamics of the family system as the major focus of intervention is the common factor which distinguishes the work of marriage and family therapists, regardless of the specific professional preparation or orientation. Marriage and family therapy has its historical roots in a number of disciplines, including psychiatry, psychology, social work, family and child therapy, and child guidance. From multiple and varied beginnings, marriage and family therapy has developed into a specialized body of knowledge

and clinical practice geared to an understanding of family structure and interactions, problem assessment, and clinical treatment.

Marriage and family therapy emerged as a specialized mental health profession in the 1960's and 1970's, with the accompanying development of master's and doctoral specialty programs in the field. The U. S. Department of Defense officially recognized marriage and family counselors as qualified mental health service providers in 1965, the same year as the first state licensure law was passed in California. The U. S. Department of Education, after extensive study of the field, recognized the distinct profession of marriage and family therapy (the term which has replaced marriage counseling) and has granted official status to the American Association for Marriage and Family Therapy as the accrediting agency for graduate education and clinical training of therapists. Thus while educational preparation for practice in this field may be based upon a variety of disciplines, there is a basic core of specialized knowledge and clinical skill which is specific to the practice of marriage and family therapy. Regulation for this profession in Michigan now recognizes this uniqueness and restricts the use of the title of "marriage counselor" (as the present law designates the practitioner) to individuals specifically trained to practice in this field. The figures below indicate the number of persons who have been registered as marriage counselors in the State of Michigan during the last five years. The vast majority of these practitioners offer their services directly to the public.

<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
458	494	492	524	519

No data is available concerning the number of unregistered persons who are providing marriage counseling services, either as part of another profession or as lawful practitioners.

REGULATION IN MICHIGAN

In Michigan, regulation for the field of marriage counseling was first sought by an interprofessional group of concerned judges, attorneys, and others who saw the need for qualified and competent personnel who could assist the courts in providing marriage and family counseling services. The increased public pressure for family counseling services after World War II was also a significant factor in the growth of this specialty area of service. Unfortunately, this very pressure also caused the emergence of numerous unqualified opportunists -- individuals who were willing to exploit the public need. A series of articles in the Detroit Free Press in 1965 played a significant role in exposing the extent of charlatanism and misrepresentation which was extant in Michigan at that time, and has been credited with informing the public about the problem. As a result of public and professional pressure, state regulation was introduced in 1966 with the passage of the marriage counseling act. This original act was incorporated into 1980 PA 299, the Occupational Code, as Article 15.

The Act provides for registration of the title of "marriage counselor", restricting its use to those who have met the requirements of the State Board. The aim of the regulation is to identify qualified practitioners and to help the public avoid being harmed either by the charlatan or by the inappropriately-trained professional who might offer marriage and family therapy services without adequate knowledge or skill.

Article 15 of the Occupational Code has seven sections which provide for the following:

Section 1501. Definition of advertising and marriage counseling.

Section 1502. Creation of the Board of Marriage Counselors.

Section 1503. Enumeration of the titles under which a person not registered by the act may not advertise, i.e., marriage counselor, marriage therapy, unless registered under the act.

Section 1504. Exclusion from the act for licensed psychologists, attorneys, social workers working within a governmental agency, and an ordained cleric.

Section 1505. Establishment of qualifications for receipt of certificate of registration.

(a) resident of the state.

(b) meets the following education requirements, i.e. doctorate in psychology, sociology, psychiatry, marriage or pastoral counseling, or another equivalent doctorate together with 5 years professional experience including one year specialization in marriage counseling under the direct supervision of a licensed marriage counselor; or a master's degree in social work or marriage or pastoral counseling from an institution approved by the department together with 5 years professional experience.

Section 1506. Establishment of fee schedule.

Section 1507. Protection of client confidentiality.

The rules promulgated under this article serve to outline board procedures and provide for the evaluation of educational qualifications.

REGULATION IN OTHER STATES

The following table indicates the pattern of regulation for marriage and family counseling/therapy in effect at this time:

<u>STATE</u>	<u>DATE OF LAW</u>	<u>REGULATORY AGENCY</u>
CALIFORNIA	1963	Board of Behavioral Science Examiners (Social Workers, Psychologists, Marriage and Family Counselors)
FLORIDA	1981	Board of Psychology, School Psychology, Clinical Social Work, Marriage and Family Therapy, Mental Health Counseling
GEORGIA	1976	Behavioral Science Practitioners Licensing Board
MICHIGAN	1966	Board of Marriage Counselors
NEVADA	1977	Board of Marriage and Family Counselor Examiners

NEW JERSEY	1968	State Board of Marriage Counselor Examiners
NORTH CAROLINA	1979	Board of Marriage and Family Counselors
UTAH	1973	Committee of Marriage and Family Counselors
VIRGINIA	1977	Board of Behavioral Sciences, Psychology, Social Workers, Professional Counselors

Most other states regulate marriage counselors as members of the professions of psychology, psychiatry, or social work. All of the states in which marriage and family counselors are regulated require at least a master's degree for entry into practice, combined with experience requirements ranging from one to five years of supervised practice. At least four states require an entry-level examination. All states specify a range of acceptable academic preparation, recognizing the interdisciplinary nature of educational programs. Of the other states regulating marriage counselors, four grant licenses by endorsement if the applicant is currently licensed in another state with substantially equivalent requirements; a fifth will grant licenses by reciprocity with other states which grant their licenses automatic acceptance. Michigan has neither reciprocity nor endorsement for marriage counselor registration. Education and experience requirements of the Michigan law must be met by all applicants, regardless of licensure or registration in another state.

One item of note in the survey of other states is the trend towards the combined behavioral science practitioner regulatory agency. California, Georgia, Virginia, and Florida have enacted this form of legislation. 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.

EDUCATION AND EXPERIENCE REQUIREMENTS

In dealing with needed reforms in the law governing the practice of marriage and family therapy, the following issues need to be addressed to improve the entry level requirements of 1980 PA 299, as amended. The academic credentials recommended by the American Association of Marriage and Family Counselors in its model for regulatory legislation are as follows:

Minimum qualifications for licensure: a master's degree in marriage and family counseling, family life education, psychology, social work, sociology of the family, or a closely related field. In addition, three years of experience, two years of which are under supervision of a licensed marriage/family counselor.

The current legislation in Michigan requires a doctorate in psychology, sociology, psychiatry, marriage or pastoral counseling, or an equivalent doctorate, together with 5 years professional experience, including one year specialization in marriage counseling under direct supervision of a licensed marriage counselor; or a master's degree in social work or marriage or pastoral counseling from an institution approved by the Department, plus 5 years professional experience. The original law providing for the registration of marriage counselors was modeled on the Act certifying consulting psychologists. The Psychology Section of the Public Health Code now calls for a master's degree plus one year of supervised experience for a limited license, and a doctorate plus two years of supervised experience for the full license. The changes in professionally-accepted educational preparation, the validity of the specialty academic programs in marriage and family therapy, plus the acceptance of the master's degree as an appropriate entry level credential, have made the current regulation governing marriage and family therapy with its unnecessarily stringent entry-level requirements anachronistic and difficult to administer.

Legislation being proposed by the Board to revise Article 15 of the Occupational Code, 1980 PA 299, calls for revised educational requirements of

a master's degree in marital and family therapy, or an equivalent graduate degree from an educational institution recognized by the Board, with a course of study specific to marriage and family scientific education and therapeutic techniques. The entry requirements for a limited registration include 2000 hours of supervised clinical practice, similar to the requirements for psychologist licensure, as part of the educational program. In addition, 4000 hours of experience after the receipt of the qualifying degree are required for a full certificate of registration which will then allow unsupervised practice of marriage and family therapy.

Arguments for the change in educational entry requirements are based upon the development, in the years since 1960, of specific academic programs and a specific body of skills and knowledge relating to marriage and family problems and conflict resolution. Excessive pre-entry requirements beyond what are required for safe and competent practice have the effect of severely limiting the availability of qualified providers. This limitation on the supply of practitioners has a direct impact upon cost to the consumer, and at the same time reduces the public's opportunity to obtain needed services. The Commission contends that many standards which exist for licensure are not commensurate with the public risk involved in performing the tasks and with the required skill. These standards go far beyond what is necessary to protect the public and instead serve to protect the profession. This situation is relevant to the other mental health professions, and argues for consistent and equitable entry level requirements for all three groups now regulated by the state.

THE ISSUE OF THE SCOPE OF PRACTICE

As part of the Commission's charge to investigate the need for regulation, if any, and the need for change or improvement in present regulation of occupations governed by 1980 PA 299, as amended, several issues have emerged in connection with the profession of marriage and family therapy. Specifically, these issues are the interdisciplinary nature of the practice of marriage and family counseling/therapy and the variety of educational backgrounds practitioners may have in preparation for practice.

While there is considerable overlap in practice and education among the several professions engaged in family therapy, such as psychology, social work, and family studies, it should be noted that there has developed over the years a specific body of skills and knowledge related to the practice of marriage and family counseling. All psychologists or all social workers may not have the specialized education or experience to engage in the specialized practice of this field. Documentation provided by the Michigan Society of Licensed Psychologists indicates that in regard to professional psychology the following statistics are relevant to this issue:

...the American Psychological Association has 51,233 members trained in 32 specialized areas.... Of these, only 4337 or 8 1/2 percent are in the Division of Clinical Psychology. Of these, based on a survey of the Michigan Society of Licensed Psychologists through its Directory, we may estimate that only 40 percent have an interest in marriage and family problems, per se, and that only a quarter of this 40 percent have any specialized training in marriage and family therapy.

Social work, because of its orientation to a "systems" approach in treatment of individuals and families, recognizes the complex interactions which affect the functioning of the family and the social group, and has long had a professional involvement with marriage and family therapy. Once again, however, all social workers are not marriage counselors, either by training

or practice. Recent trends in social work education have been to strengthen academic programs in this distinct area of specialization. Social work practitioners, who have through educational preparation and experience achieved competence as marriage and family therapists, are able to be certified through the American Association for Marriage and Family Therapy, an interdisciplinary accrediting body for this area of professional practice. A master's degree in social work, plus professional experience in marriage counseling, has been recognized by the Michigan law from its inception. The MSW (master's in social work) would presumably be more equitably recognized as a specialty degree by the Board under the proposed revision to Article 15 which is under consideration by the present Board and the profession of marriage and family therapy.

In similar fashion, problems may arise when insufficiently trained persons, such as the clergy, go beyond pastoral counseling and attempt to engage in the private practice of marriage counseling. The American Association of Pastoral Counselors has made available training opportunities and has established standards of practice to address this problem. It has been widely recommended by individuals and organizations testifying at COPOL public hearings that members of the clergy who offer specific marriage therapy services be required to meet the standards for practice in this field to prevent the offering of services, outside the pastoral counseling area, by unqualified persons.

The problems noted above stem from the fact that there is substantial overlap in the scopes of practice of the three mental health professions, but no corresponding similarity in entry requirements.

The psychology statute defines and protects its scope of practice, but allows exemptions for certain aspects of its practice, such as psychotherapy,

counseling, behavior modification, etc., to be performed by other statutorily recognized professions. The practical result of these exemptions is that these functions, which may require specific training and clinical competence, can be legally performed by persons who are unqualified. The issue is not that social workers, pastoral counselors, or other legally-recognized professions should be prevented from practicing their professions under the law, but that they should all meet appropriate standards to perform specific services which require special training or expertise.

The issue goes beyond the problems uncovered in COPOL's study of the marriage counseling statute, and affects all the groups which engage in helping professions. The solution to the problem could best be found by statutorily defining which areas of practice in all these fields are potentially harmful if unregulated. These areas have been defined elsewhere in the report as the clinical functions of 1) psychological testing; 2) assessment or evaluation of psychological or behavioral problems; and 3) treatment or therapy to alleviate these problems. Once specific functions have been defined for each profession, regulation should address appropriate education and experience to qualify persons to perform these functions legally. Only through such a clear resolution of the complex issue of overlap of scope of practice can the public, and indeed the professional, be adequately protected from harm.

In summary, regardless of their particular academic or professional training, minimal requirements should be established for all practitioners, who perform the regulated functions. For those whose training has been interdisciplinary, a standard of clinical competence should be required which is equivalent for anyone seeking to offer services to the public as specialists in this field. In addition, provisions for the protection of confidentiality

of information obtained from clients in the course of therapy should be included in the law regulating all of the mental health therapeutic professions.

COMPLAINTS

Prior to September of 1980, nine complaints had been received by the Department of Licensing and Regulation about marriage counselors. Six of these complaints, filed by the Board, dealt with improper use of title by unregistered practitioners. The other complaints, filed by consumers and dealing with unprofessional conduct or malpractice, were settled informally or dismissed by the Office of Complaint Analysis. During the period from October 1980 through September 1981, 22 complaints were filed, the majority of which dealt with social workers advertising as marriage counselors who were not registered as such. According to Royce Wills of the Complaint Analysis office of the Department of Licensing and Regulation, many of these complaints were filed by registrants who noticed improper advertising. Fifteen of these complaints were resolved by a letter of reprimand and a site visit from a Department investigator. The Department requires proof of compliance if an advertising rule has been violated. Of the 22 complaints filed that year, two are being considered by the Attorney's Office for cease and desist orders, again for false advertising of services by unregistered individuals.

During 1981-82 16 complaints were filed. Four were still open as of January 1982, three of which were awaiting the approval of the Attorney General before formal action could be taken by the Board. In addition, numerous issues were handled informally by the Board without requiring formal legal action. The low number of formal consumer complaints could indicate that the public is not aware of the procedure of redress through the Board and Department. It could also indicate that the competence, ethics, and standards of practice

for the field of marriage and family therapy in Michigan have been enhanced by the existence of state regulation. It can be asserted with some objectivity that since the passage of the original law in 1966, the situation in Michigan has been such that charlatans have not functioned as they did prior to that time, and that the law has been effective to a marked degree in protecting the public.

According to the provisions of 1980 PA 299, the Occupational Code, penalties may be enacted against practitioners who commit one or more of the following acts in Section 604:

- a) Practices fraud or deceit in obtaining a license or certificate of registration.
- b) Practices fraud, deceit, or dishonesty in practicing an occupation.
- c) Violates a rule of conduct of an occupation.
- d) Demonstrates a lack of good moral character.
- e) Commits an act of gross negligence in practicing an occupation.
- f) Practices false advertising
- g) Commits an act which demonstrates incompetence.
- h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.
- i) Fails to comply with a subpoena issued under this act.

It may be argued that the efficacy of these regulations to protect the public are only as good as the grievance procedure. The Board and the Department have functioned well under the remodeled complaint procedure which has been developed since the establishment of a centralized Complaint Analysis system. The ongoing need for expanded consumer information about the redress of grievances available through the regulatory system is one which the Board, the Department, and ultimately the Legislature, must address if the system is to work effectively in the public interest.

ALTERNATE FORMS OF CONSUMER PROTECTION

Consumer protection is the underlying reason for state regulation of professions and occupations. Central to the process of public protection

is the consumer complaint system of the Department of Licensing and Regulation. Through a central office where complaints may be registered, and the accompanying investigation, administrative hearing, and disciplinary action, if warranted, the interests of the consumer are addressed.

Outside of the state regulatory system, the best known legal remedy for consumer grievances is the malpractice suit, in which damages may be awarded for economic, physical, or mental injuries sustained by the consumer. Criminal suits may also be sought for fraud or improper exploitation of patient or client. The malpractice suit, however, is a lengthy and expensive process and is often an option of limited choice for the consumer, particularly in connection with psychotherapy or related activities.

A limitation of the efficacy of this legal remedy as it applies to marriage and family therapy, and indeed any mental health profession, is in the nature of the professional services. William C. Nichols, Chairperson of the Michigan Board of Marriage Counselors states:

There are significant differences between malpractice in marital and family and/or individual psychotherapy and malpractice in medical treatment or related work. When a sponge is left inside a body cavity, or a tire is not adequately repaired, even the least informed layperson can conclude that an error was made. With marital and family problems, the poorly-served layperson is most often left with a question and a vague sense that all may not have been done appropriately or gone well, rather than certitude.

Another method of consumer protection is the self-policing process of the American Association of Marriage and Family Therapist, the interprofessional association which establishes professional standards and a Code of Professional Ethics. All complaints against members are brought before a complaint committee, and they risk disciplinary action or expulsion from affiliation for incompetence or breach of ethics. However, as a voluntary private sector association, jurisdiction extends to members only. No action

can be taken against non-members, who, one might speculate, might be those more likely to be in need of discipline.

A historic review of the conditions which led to the introduction of legislation to regulate the practice of marriage counseling indicate that the widespread abuses of the public's confidence have been significantly contained by the regulation of this field. Blatant deception of the public by incompetent or fraudulent practitioners which was documented by a number of journalistic expose's has diminished greatly, as public awareness of the field of marriage counseling service has increased. In that context, increased public information services to assist consumers to make informed choices about practitioners have been an ongoing goal of the present Board and the Department of Licensing and Regulation. Unfortunately, legislative appropriation for this important service has been severely limited, and the present fiscal circumstances of the State of Michigan will undoubtedly continue to place severe restraints upon this activity. The current regulation does provide the consumer with the protection of a screening process for practitioners who must meet educational and experience requirements, along with the availability of a consumer grievance process through the Department. The Commission feels, however, that increased consumer information should be a priority goal, for the Department if the public is to receive fullest benefit from state regulation.

COSTS OF REGULATION

In the past five years, the Board expenditures have been greater than direct fees collected. However, financial reports of board activities reflect expenditure of monies which are appropriated to the Department from general fund sources, and may or may not show a balance of revenue vs. expenses.

According to the Revenue to Expenditure Comparison Summary of the Department of Licensing and Regulation for Fiscal Year 1980-81: "in some cases a profession being regulated may not be able to support itself financially, but may provide other vital functions, particularly in the area of public protection." Before final conclusions are drawn about the financial status of a board, one must consider that a large portion of expenditures on behalf of the overall operations of the regulatory agency (the Department of Licensing and Regulation), such as complaint investigation, enforcement, administrative services, data processing services, public information, etc., are charged on a pro rata basis to each of the boards within the agency. The following chart lists figures for the Board of Marriage Counselors for the past five years.

<u>YEAR</u>	<u>EXPENDITURES</u>		<u>REVENUE</u>		<u>PERCENTAGE</u>
	<u>DOLLARS</u>	<u>INDEX</u>	<u>DOLLARS</u>	<u>INDEX</u>	<u>COVERED BY REVENUE</u>
1976	16,017	100	11,275	100	70
1977	14,613	91	12,000	106	82
1978	22,703	142	12,700	113	56
1979	27,600	173	13,830	123	50
1980	23,080	144	14,044	125	61

The index numbers show the percent of change from the base of year of 1976.

The decrease in expenditures from fiscal year 1979-80 to fiscal year 1980-81 is largely due to general budget cuts suffered by the Department of Licensing and Regulation.

Indirect expenses of the Department to support the functions of regulation are legitimate expenses to consider when evaluating the cost of regulating a profession or occupation. The question which must be answered is whether the benefits of public protection afforded by the law outweigh the costs to the state. In the case of health and safety-related occupations, these costs may be warranted. One hidden cost, however, which the present regulation

for marriage counselors as contained in 1980 PA 299 may be engendering is the cost of artificial shortages of personnel caused by inordinately high entry-level qualification, which is discussed elsewhere in this report, would make it possible for the Board to open the field more equitably to qualified practitioners, thus reducing costs to consumers caused by shortages of personnel available to provide services.

DISCUSSION: COORDINATION OF MENTAL HEALTH PROFESSIONS

As part of its deliberations, the Commission has also concluded that there does exist an overlap of functions among all mental health practitioners, notably psychologists, social workers, and marriage and family therapists. For this reason, the Commission recommends that consideration be given to the implementation of a coordinated system of regulation for those individuals engaged in the practice of behavioral science professions which are involved in the delivery of mental health services to the public.

One suggested method is the establishment of a Behavioral Science Board, or a similar umbrella type agency within the Department of Licensing and Regulation, which can coordinate the regulation of these three professions. Models for such a consolidated method of regulation are in existence, or under consideration by a number of states, and are engendering national interest as a means to resolve fragmentation in the delivery of mental health services. Such a Behavioral Science Board could have representation from all the involved professions, as well as from the public, to better address issues of common concern. Serious overlap of practice, need for appropriate criteria for education and experience in the several related but distinct professions, and the need for consistent and equitable regulation are issues which such a combined Board could address with greater effectiveness than separate regulatory bodies.

A coordinated Board could exercise administrative efficiency, promote consistent licensing standards and application of the law, and encourage inter-professional communication and cooperation, which would ultimately work towards better public protection. The combined Board could continue to issue separate licenses, based on separate criteria for education, experience, and scope of practice, thus preserving professional identification. At the same time, similar standards for entry which would work towards removing unnecessary barriers to practice could be established for all three professions. Such consistency, combined with vigorous public information efforts, would help the public to obtain services more readily, and identify the provider best suited to provide those needed services.

Based on these considerations, COPOL further recommends that Social Work and Marriage and Family Therapy be regulated along with Psychology under the aegis of the Michigan Public Health Code, rather than under the Occupational Code. This would allow the same regulatory standards to be applied to all three groups, and enable the Department of Licensing and Regulation to coordinate the administrative functions involved. It is recommended that entry level licensure requirements for marriage and family therapists, psychologists, and clinical social workers be set at a consistently appropriate level, as adopted by each Board for license approval. It is further recommended that a procedure for financial redress or restitution be incorporated into the Public Health Code similar to that provided in the Occupational Code so that consumers have recourse through the complaint process.

With the formation of a Behavioral Science Board, the Commission further recommends that several guidelines be used for the regulation of mental health professionals:

1) That the issue of patient/client confidentiality is essential to the protection of both patient/client and the practitioner, and should be an inherent part of legislation governing all the behavioral science professions.

2) That the discrepancy in licensing requirements between private and public employers be ended.

3) That licensure statutes should be directed only towards those clinical functions which carry an element of risk to the public. In the behavioral science professions, these have been identified as follows: (a) psychological testing; (b) assessment and evaluation (diagnosis); and (c) psychotherapy (treatment). Attempts to regulate other aspects of practice could lead to a rigidity and inflexibility in the law which would not be in the public interest, nor in the interest of innovation or advancement of professional services to patients or clients.

In conclusion, the Commission strongly supports the creation of a Behavioral Science Licensing Board to regulate the practice of marriage and family therapy, psychology, and social work, in a consistent and coordinated system. The Commission contends that the establishment of one Board will economize resources needed for administrative services, complaint investigation, and enforcement of the law. Such a system can provide greater uniformity of regulation, solve interprofessional issues relating to scope of practice and appropriate education/training/experience, and provide better guarantees to the public that practitioners regulated under this Board must meet uniform standards for competent and safe services.

BIBLIOGRAPHY

Broderick, Carlfred and Sandra S. Schrader. "The History of Professional Marriage and Family Therapy," Alan S. Gurman and David P. Kniskern, eds., Handbook of Family Therapy. New York: Bruner/Mazel, 1981, pp. 5-35.

Encyclopedia Americana. International Edition, 1980. "Marriage Counseling", page 318.

Fowler, C. Ray, Ph.D., Executive Director, American Association for Marriage and Family Therapy. Questionnaire submitted to the Commission on Professional and Occupational Licensure, Department of Licensing and Regulation, State of Michigan, 1981.

Hogan, Daniel B. The Regulation of Psychotherapists. Vol. 1. A Handbook of State Licensure Laws. Cambridge MA: Ballenger Printing Company, 1979.

Lee, Robert E., President, Michigan Society of Licensed Psychologists. Questionnaire submitted to the Commission on Professional and Occupational Licensure, Department of Licensing and Regulation, State of Michigan, 1982.

Nichols, William C., Ph.D., Chairperson, Michigan Board of Marriage Counselors, Questionnaire submitted to the Commission on Occupational and Professional Licensure, Department of Licensing and Regulation, State of Michigan, 1982.

"The Field of Marriage Counseling: A Brief Overview," in The Family Coordinator, Volume 22, 1973, pages 3-13.

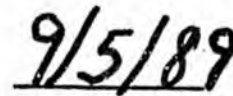


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