

HB

305

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act regulating the practice of marital and family therapy; . . .
Sponsor: Reps. Gruenberg and Menard
Requestor: House HESS

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	5.4	5.4	5.4	5.4	5.4	5.4
TRAVEL	16.3	13.9	9.8	9.8	9.8	9.8
CONTRACTUAL	30.6	10.0	10.0	10.0	10.0	10.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	53.3	30.3	26.2	26.2	26.2	26.2

CAPITAL						
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REVENUE	7.5	0	7.5	0	7.5	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (GF/PR)	53.3	30.3	26.2	26.2	26.2	26.2
TOTAL	53.3	30.3	26.2	26.2	26.2	26.2

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) The bill establishes a five-member Board of Marital and Family Therapy to establish examination, training and education requirements for entry into the profession, and to issue licenses to qualified individuals. Information on file indicates there are approximately 25 practitioners who would be affected by this legislation upon passage. (CONTINUED)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
Division: Occupational Licensing Date: 2/23/90

Approved by Commissioner: Larry Mercurieff Date: 2/26/90
Agency: Department of Commerce & Economic Development

Distribution (by preparer):

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

CONTINUATION OF FISCAL NOTE ANALYSIS - HB 305

This fiscal note represents the cost of licensing marital and family therapists with a five-member board and an estimate of 25 practitioners who would seek and qualify for licensure. Costs of the program are projected based on the number of licensees. Therefore, 25 licensees of the marital and family therapy licensing program will be responsible to cover less than one percent (.010%) of the division's operating costs, in addition to other program costs required by the bill. A breakdown of these costs is as follows:

Personal Services: \$ 5.4

To provide administrative staff support.

Travel: 16.3

In FY 91, this funding will provide four face-to-face meetings, two in Anchorage and two in Juneau, assuming two members are from the Anchorage area, two from Juneau, one from Fairbanks; and three division staff (Director, Licensing Examiner, and Regulations Specialist) to attend each meeting. This funding will also provide travel to administer the licensing examination in various locations throughout the State.

In FY 92, funding provides for three board meetings and travel to administer the licensing examination in various locations throughout the State. (\$13.9)

In FY 93 forward, the licensing program will have been in operation for two years and, therefore, require fewer meetings to conduct its business. The number of board meetings is reduced to two meetings each year. This funding also provides for travel to administer the licensing examination in various locations. (\$9.8)

Contractual: 30.6

This funding provides \$20.0 for development of a professional licensing examination in the first year. An additional \$10.6 will fund printing, advertising, postage and communication costs.

Supplies: 1.0

Funding will provide standard office supplies.

Grand Total in FY 91: \$53.2

REVENUE:

The revenues are based on 25 practitioners paying a licensing fee of \$150 per year. Because licenses are issued on a biennial cycle, revenues are doubled every other year. As indicated, 25 practitioners will not support a licensing program with a five-member board unless licensees are willing to pay incredibly high annual licensing fees. As an alternative, the licensing program may have to be supplemented by general funds or fees from other licensing areas.

AS 08.01.065(c), Fees established by regulation, provide that the "department may establish a fee that is less than the cost of the activity for which the fee is charged if the department determines that it is not reasonable to impose the full cost of the activity on the applicant or licensee." Although fees from other licensing areas may currently support the marital and family therapy program, we are concerned that costs of licensing programs with small numbers of licensees will soon exceed the amount of additional funds generated by other licensing areas.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 7811

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 15, 1990

SUBJECT: Sectional Description
CSHB 305()

TO: Representative Max Gruenberg

FROM: Terri Lauterbach *TWL*
Legislative Counsel

Following is a sectional description of CSHB 305():

Sec. 1. Article 1 establishes the Board of Marital and Family Therapy and sets out its powers and duties.

Article 2 describes the various types of licenses that can be issued by the board and sets out the requirements that must be met for each type of license.

Article 3 contains general provisions relating to fees, confidentiality of communications, and imposition of disciplinary sanctions. It also contains the basic provision in Sec. 08.63.240 that, unless a person is licensed by the board, the person may not hold himself or herself out to be a licensed marital and family therapist. The bill does not require a person to be licensed in order to practice in the profession.

Sec. 2. Adds the new board to the list of boards in AS 08.-01.010.

Sec. 3. Adds licensed marital and family therapists to the listing in AS 08.02.010.

Sec. 4. Adds the new board to the list of boards in AS 08.-03.010, sunsetting it in 1994.

Sec. 5. Adds licensed marital and family therapists to the definition of "health care provider" in the statutes relating to the Medical Indemnity Corporation of Alaska (MICA).

Representative Max Gruenberg
Page 2
January 15, 1990

Sec. 6. Adds the new board to the list of agencies governed by the Administrative Procedure Act.

Sec. 7. Adds licensed marital and family therapists to the list of persons required to report suspected child abuse.

Sec. 8. Provides for initial appointees to the board.

Sec. 9. "Grandfather" provision.

Sec. 10. Delays until 1991 the requirement that a person not hold out to be a licensed marital and family therapist unless licensed under this new board.

Sec. 11. Effective date for remainder of bill.

Please let me know if you have further specific questions about the contents or effect of this bill.

TL:pl
wkp1/003



Alaska Association for Marriage and Family Therapy

A DIVISION OF THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

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JOHN A. PAGAN, M. S.

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ROBERT NELSON, Rel. D.
SARA GRIFFITH, M. Ed.
FREDERICK HILLMAN, M. D.

19 February 1990

Dear Senator or Representative:

Please excuse this general letter. I wish I had the time to sit down with you and talk with you personally about the need for regulating the profession of marriage and family therapy in the State of Alaska.

Enclosed you will find copies of House Bill 305 and Senate Bill 481, which would set up somewhat differing ways of regulating the profession. Also, you will find enclosed a copy of the Alaska Association for Marriage and Family Therapy Newsletter and letters from organizations and individuals around the State urging the passage of legislation in this field.

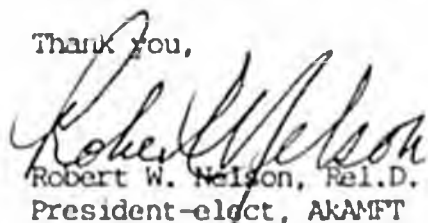
Marriage and family therapists are one of the major groups of clinical professionals not regulated and licensed by the State of Alaska. Psychiatrists, clinical psychologists, clinical social workers, and psychiatric nurses are all regulated at present. Twenty two other states presently regulate and license marriage and family therapists, and eighteen additional states are presently considering such legislation.

The Alaskan public deserves to know that its State government establishes standards and regulates the profession of marriage and family therapists.

I urge you to read this material. I will send some additional information to you in a few weeks. Please consider this legislation carefully and feel free to contact me if you have any questions.

I ask your support of HB305 and SB481.

Thank you,


Robert W. Nelson, Rel.D.
President-elect, AKAMFT



Alaska Association for Marriage and Family Therapy

A DIVISION OF THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

NEWSLETTER

SPECIAL BULLETIN FOR STATE LEGISLATORS

This special bulletin of the Alaska Marital and Family Therapists is being distributed to all state legislators and their staff. This is AkAMFT's way of thanking legislators for taking time to learn more about the practice and profession of marriage and family therapy; acquainting them with the many ways with which our profession impacts family life at both the national and state levels; and encouraging an atmosphere of mutual cooperation and assistance between AkAMFT and Alaska legislators.

AkAMFT and its members welcome future opportunities to provide assistance and information to legislators and staff in their efforts to increase the quality of life in Alaska.

Randall G. Jones, M.A.
President-AkAMFT

LEGISLATIVE UPDATE:

Since the early 1980's, the Alaska Association for Marriage and Family Therapy has been engaged in the process of developing legislation which would license the mental health profession of marriage and family therapy. Founded on the belief that licensure is one of the most effective recognized vehicles at the state level to protect the public, AkAMFT is committed to the development of licensure for all health education professionals. Currently, there are six free-standing legitimate, fully-accredited, and educationally sound mental health professions which form the major component of mental health industry, i.e., psychology, marriage and family therapy, mental health counseling, and clinical social work, making up the non-medical arm, while psychiatry and psychiatric nursing form the medical branch.

The need for licensure arises out of several factors. All mental health professions, by whatever name they call themselves "dispense strong medicine" which takes many system-psychotherapeutic forms. The various therapeutic interventions have the power to profoundly impact the family relationship or individual for better or for the worse at the deepest levels. It is the mandated responsibility of the state to protect the (mental) health of its citizens. One way the state has chosen to protect its citizens is through the vehicle licensure. Four mental health professions to this date are licensed by the state. They are: psychiatry, psychiatric nursing, psychology, and social work. Unfortunately, instances where consumers have been disadvantaged or mistreated by those claiming to be mental health professionals are well-documented. It is our strong belief that by responsibly regulating all mental health professions by means of licensure, the state could effectively close many existing gaps which allow those who are untrained and unqualified to identify themselves, by the same time as those who are highly trained, competent, and ethical in their practice. Licensure would serve to better inform the public regarding qualifications, provide

identified and state-sanctioned avenues of redress of which there are none, should violation occur and establish minimal levels of education and supervision requirements. In addition, it is believed that the infusion of qualified professionals will affect the supply/demand ratio by possibly lowering or at least slowing the rise in the cost of services. The need and time is now to license marriage and family therapists.

AN OPEN LETTER TO ALASKA LEGISLATORS

Dear Legislator:

On behalf of the members of the Alaska Division of the American Association for Marriage and Family Therapy (AkAMFT), I am writing to introduce our organization and the profession it represents. As a prelude to a fuller discourse, some highlights are listed below.

1. Marriage and Family Therapy (MFT) is a well-established profession with a distinct body of knowledge and established code of ethics.
2. The scope of knowledge of marriage and family therapy and its related practice are unique in the relationship to other allied professions.
3. Many who provide family therapy services have not obtained the requisite training nor been introduced to the rigorous code of ethics necessary to maintain appropriate practice standards.

Marriage and family therapists provide necessary mental health services to individuals, children, couples, and families. Clinical members of the American Association for Marriage and Family Therapy (AAMFT) are well-trained professionals who subscribe to a rigorous code of ethics for the practice of their profession. Since 1942, the AAMFT has been involved with the problems, needs, and changing patterns of marital and family relationships. The AAMFT is a multi-disciplinary association which has members from all mental health professions (psychiatry, psychology, social work, nursing).

The AAMFT requires that all its members, regardless of discipline of origin, acquire specific and rigorous training including academic work and supervised clinical experience in marriage and family therapy. The AAMFT's membership requirements have become the standards acceptance throughout the United States by which the independent practice of marriage and family therapy is regulated. Currently, 20 states regulate the practice of marriage and family therapy through either licensing or certification. The training of marriage and family therapists is overseen by AAMFT's commission of accreditation for marriage and family therapy education. This commission has been reorganized since 1978 by the U. S. Department of Education as the sole accrediting body for marriage and family therapy education in the United States. In 1986, the Clearinghouse on Licensure Enforcement and Regulation (CLEAR), an affiliate of the council of state governments published a study which reviewed the credentialing of the behavioral science professions. According to that study, an important criteria for determining the existence of a profession is that there is a well-defined body of knowledge and set of skills which thus becomes the basis for defining a profession's scope of practice. In the review conducted by CLEAR, the scope of practice and sample of current regulatory laws of social work, psychology, and marriage and family therapy were examined. CLEAR concluded that while there was some overlap, all mental health professions provide services such as psychotherapy, each of the professions identified unique skills or practiced principles.

It is noteworthy that this non-biased source comprised of state regulators, believes that there is a separate profession of marriage and family therapy. A considerable body of research suggests that marriage and family therapy is an efficient and effective treatment alternative to traditional

approaches for a wide variety of emotional and behavioral disorders. For this and other reasons, the federal government has recognized marriage and family therapists for some time. For many years, marriage and family therapists have been eligible mental health providers under the Civilian Health and Medical Program of the Unified Services (Champus). Additionally, marriage and family therapists are listed as one of the core mental health professions by the National Institute of Mental Health, and under federal law (Public Service Act, PL100-6900), as one of the core mental health professions, training programs in marriage and family therapy are eligible to receive clinical training grants on the same basis as programs in medicine, psychology, social work, and nursing. Thus, there is a consistent consensus among federal agencies and national committees that MFT carries distinct status as a profession.

Unfortunately, however not all who provide family therapy services have attained the necessary training for the practice of the profession, nor have they necessarily agreed to be bound by a code of ethics established by their peers. Given the fact that the State of Alaska does not regulate our profession, there exists the potential for untrained individuals to present themselves as marriage and family therapists. This is a source of concern for the qualified professionals and members of the public. Since we know that psychotherapy of any kind can do damage, the public, without the capacity to distinguish qualified professionals, remains more vulnerable to mistreatment. The lack of regulation of the profession of MFT in Alaska may present a greater loss to the public than it does to our professional membership, since many of our members can identify with other professions.

A growing number of marriage and family therapists have received the most contemporary training developed in the field. Often this training is through graduate programs in marriage and family therapy. These mental health professionals are prepared to offer effective treatment options to Alaskan families, yet these professionals are neither recognized nor regulated. Trained family therapists, although sanctioned nationally as legitimate providers in mental health services, have no such status in Alaska. The result is that in many contexts, Alaskans do not have a real option to select a qualified family therapist for treatment because most reimbursement systems do not recognize unregulated providers. This denies freedom of choice for mental health services to Alaskans who may already be disadvantaged.

We do not believe this state of affairs, with the public being exposed to unqualified and unprofessional practitioners, and potentially prohibited from legitimate treatment options has been the Governor's nor the legislators' intent. Rather, it may be due to limited awareness of the part of state officials regarding the profession of marriage and family therapy. In a state known to be in the vanguard when it comes to protecting the general welfare of its citizenry, these seems unfortunate. As mentioned, some twenty states have now recognized the need to regulate and recognize the profession of marriage and family therapy. Alaska should not be among the last to do so. We strongly urge that you consider exploring with us ways to address this issue. Members of AkMFT are available to meet with you to discuss appropriate options. AkMFT members also stand ready to act as consultants with regard to a wide variety of issues relevant to families in Alaska. We hope you find the enclosed special issue of our newsletter helpful in increasing your knowledge of our organization.

Sincerely,

Randall G. Jones, M.A.
President-AkAMFT

AAMFT and the National Conference of State Legislators

The American Association for Marriage and Family Therapy (AAMFT) was among the many exhibitors at the National Conference of State Legislators' Annual Meeting in Tulsa, Oklahoma from August 6th-11th. This year was the first time that AAMFT exhibited at the NCSL. This effort represented the Association's commitment to expanding its advocacy efforts for the profession of marriage and family therapy, mental health issues, and family centered social policies.

A significant change from last year's NCSL meeting was an increased awareness of marriage and family therapy among attendees. This awareness was demonstrated by specified inquiries regarding the profession and expressions of support for the work done by marriage and family therapists.

A growing number of states that have enacted or considered regulatory legislation for marriage and family therapists and legislative educational campaigns conducted by AAMFT and its members have supported this increased awareness. AAMFT members have also sought to share professional expertise with state legislators on a broad range of mental health policies.

"AAMFT and its members have worked closely with state legislators to help them to gain a better understanding of the practice and profession of marriage and family therapy. These efforts had dramatic results" said Michael Bowers, AAMFT Director of Division Affairs. "This year, state legislators were telling us now that we know more about you, we look forward to utilizing your members' expertise in a variety of policy development areas. This new direction provides both AAMFT and state legislators with opportunities that offer potential benefits for everyone."

States with Licensure or Certification for Marriage and Family Therapists:

Arizona	California
Colorado	Connecticut
Florida	Georgia
Maine	Massachusetts
Michigan	Minnesota
Nevada	New Jersey
North Carolina	Oregon
Rhode Island	South Carolina
Tennessee	Utah
Washington State	Wyoming

News from the National Office: Two states pass MFT regulatory laws

Two more states, Oregon and Maine, have passed legislation to regulate the profession of marriage and family therapy. These successes raise the number of states with regulation for marriage and family therapy to 20 (see chart above for complete listing of states).

The Maine Legislature Joint Standing Committee on Business Legislation initially considered a title protection law for marriage and family therapists, professional counselors, and clinical professional counselors. During the committee's hearing on the proposed legislations, representatives of the three professional groups provided important testimony outlining the need to protect consumers from unprofessional and unqualified practitioners. In one instance, the legislators were told of a state licensed mental health professional who had had his license revoked but continued to practice as "a marriage counselor." Based upon such testimony and other

considerations, the committee recommended that the bill be redrafted as a licensure law. The bill became law with the overwhelming support of the state legislature and the Governor.

The Oregon state legislature passed a multiple disciplinary regulatory law. The law prohibits the use of title of marriage and family therapy or professional counselor by uncertified practitioners and replaced a registration process for social workers with licensure. The law also includes provisions for privileged communication except in certain cases (such as suspected child abuse or neglect).

The original bill was the product of extensive negotiations between various mental health professional organizations in Oregon. Despite the withdrawal of one group from the bill and some change to the draft version, the bill became law with wideranging support. In other regulatory developments, Oklahoma governor, Harry Belimon, vetoed a bill designed to license marriage and family therapists in the state. At this time, the legislature is not in session. However, it is anticipated that the legislature may attempt to override the governor's veto.

Senate Marriage and Family Therapy Bill Introduced

Senator Daniel Monahan (D-NY) recently introduced the Community Mental Health Services Act, S.1591, to provide Medicare reimbursement for the services of marriage and family therapists, clinical social workers, and psychiatric nurses working in community mental health centers (CMHC). Medicare would also reimburse CMHC's for partial hospitalization services. Under current law, only hospitals may receive reimbursement for partial hospitalization services.

Enactment of this legislation would enhance access to marriage and family therapy and other mental health services for millions of elderly Americans who might benefit from mental health care, but who often do not receive services. It is especially important in states with large rural areas where access to outpatient mental health services is often severely limited and where the closest hospital providing partial hospitalization services may be hundreds of miles away. It will also have a positive impact on the ability of CMHC's in poor underserved urban communities to provide services to the Medicare eligible population.

Sponsors of the Community Mental Health Services Act include Senators Robert Dole and Spark Matsunaga (D-Hawaii) both high-ranking members of Senate Finance Committee which will consider the bill and Senator Daniel Inouye (D-Hawaii) a leader on the mental health policy. The Senate Finance Committee is expected to consider S. 1591 in late September and early October as part of the budget reconciliation package for fiscal year 1990. Other mental health provisions, including Medicare reimbursement for all services provided by psychologists and social workers will also be considered as part of the package.

Other Legislative News:

AAMFT endorsed Basic Health Benefits Act, S.768, received approval from the Senate Labor and Human Resources last July. The bill, authorized by Senator Edward Kennedy, would require employers to provide health care insurance for all of their employees who work at least 17.5 hours a week. (Requirements for small employers would be phased in.) Marriage and family therapists are recognized as "equivalent mental health professionals" for reimbursement purposes under the bill's mental health provision. There has been no action on the House version bill.

The provision of family therapy and the work of marriage and family therapists are recognized as crucial components in a substance abuse treatment, by drug treatment, and Crimes Reductions Act, HR 2456, authorized by Congressman Pete Stark (D-CA), Chair of the House Ways and Means Health Subcommittee. This innovative legislation would establish a separate addiction treatment services trust fund under Medicare to be financed through a minimal increase in excise taxes of

cigarettes and alcoholic beverages. Family therapy and family therapists would receive reimbursement for their services.

AkAMFT Announces 1990 Board Election Results:

Kathleen Holmes, AkAMFT's Nomination Committee Chairperson has announced the election results for AkAMFT board position. The three-year position recently vacated by Leon Webber will be filled by Lowell Roddy. Lowell is currently at the chaplain's office at Fort Richardson and has been involved with AAMFT for many years.

AkAMFT Board Members and Officers:

Randall G. Jones, M.A., President
4001 Dale Street, Suite 101
Anchorage, AK 99508

Robert Nelson, Rel.D., President-Elect
4502 Cassin Drive
Anchorage, AK 99507

John Pagan, M.S., Past President
2550 Denali Street, Suite 905
Anchorage, AK 99503

Vivian Finlay, M.Ed., Treasurer
P. O. Box 872433
Wasilla, AK 99687

Sara Griffith, M.Ed., Secretary
9292 Hiland Road
Eagle, AK 99577

Tim Sander, M. Ed.
P. O. Box 60635
Fairbanks, AK 9706

Lowell Roddy, M.Ed.
131-B Iliamna Avenue
Anchorage, AK 99505

Rhoda Vandervoort, M.A.
2131 Tudor Hills Court
Anchorage, AK 99507

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907-465-3800

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS 4-24-90

Original sponsor(s): REP. GRUENBERG, Menard

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 305 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act regulating the practice of marital and family
7 therapy; and providing for an effective date."

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

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 63. MARITAL AND FAMILY THERAPY.

11 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

12 Sec. 08.63.010. BOARD ESTABLISHED. (a) There is established
13 the Board of Marital and Family Therapy.

14 (b) The board consists of three persons licensed under this
15 chapter and two members of the public.

16 Sec. 08.63.020. BOARD APPOINTMENTS. The governor shall appoint
17 the members of the board subject to confirmation by the legislature.

18 Sec. 08.63.030. MEETINGS. The board shall hold an annual meet-
19 ing and may hold special meetings at the call of the chair or a major-
20 ity of the board members.

21 Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may
22 remove a member of the board for good cause.

23 Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall
24 (1) establish objective examination requirements and train-
25 ing and education requirements for persons who apply for a license to
26 practice martial and family therapy;

27 (2) examine applicants and issue licenses to qualified
28 applicants;

29 (3) establish continuing education requirements for license

1 renewal;

2 (4) adopt a code of ethical practice for marital and family
3 therapy;

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

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

8 (7) report annually to the governor and the department on
9 the board's proceedings each year; the report must include the number
10 of licensure applicants, the number of examinations conducted, the
11 failure rate for each examination, a financial report, and other
12 information requested by the department;

13 (8) enforce the provisions of this chapter and adopt regu-
14 lations necessary to carry out its duties under this chapter.

15 Sec. 08.63.060. PROCEDURES. The Administrative Procedure Act
16 (AS 44.62) applies to regulations and proceedings under this chapter.

17 ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

18 Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a)
19 The board shall issue a license to practice marital and family therapy
20 to a person who

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

22 (2) pays the fee required under AS 08.63.200;

23 (3) furnishes evidence satisfactory to the board that the
24 person

25 (A) has not engaged in conduct that is a ground for
26 imposing disciplinary sanctions under AS 08.63.220;

27 (B) holds a master's degree or doctorate in a mental
28 health field, or the equivalent, from an accredited educational
29 institution approved by the board for which the person completed

1 a course of study that included instruction substantially equiva-
2 lent to the following:

- 3 (i) courses in marital and family therapy;
4 (ii) courses in marital and family studies;
5 (iii) courses in human development;
6 (iv) a course in professional studies or

7 professional ethics and law;

8 (v) a course in research; and

9 (vi) one year of supervised clinical practice in
10 marital and family therapy;

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

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

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

21 (D) has passed a written or oral examination adminis-
22 tered by the board.

23 (b) under regulations adopted by the board, a person who holds a
24 master's or doctorate degree in a mental health field, or its equiva-
25 lent, from an educational institution approved by the board, but whose
26 course of degree study did not include all the courses or clinical
27 practice requirements set out in (a)(3)(B) of this section may substi-
28 tute post-degree courses or practice, as approved by the board, to
29 satisfy the requirements of (a)(3)(B) of this section.

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

5 (d) A license issued under this section expires two years from
6 the date of issuance. It may be renewed by payment of the fee re-
7 quired under AS 08.63.200 and by satisfaction of the continuing educa-
8 tion requirements established by the board for the renewal of licenses
9 issued under this section.

10 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board
11 shall issue a four-year license for the supervised practice of marital
12 and family therapy to a person who meets the requirements of AS 08.-
13 63.100(a)(1), (2), and (3)(A) - (B).

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

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

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

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

21 (d) A licensee under this section shall submit to the board for
22 its approval a proposed plan for satisfying the supervision require-
23 ments of AS 08.63.100(a)(3)(C).

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

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

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

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

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

7 (2) be licensed under this chapter; and

8 (3) meet the minimum standards established by the board for
9 approved supervisors.

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

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

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

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

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

29 (2) meets the requirements of AS 08.63.100(a)(1), (2), and

1 (3)(A).

2 ARTICLE 3. GENERAL PROVISIONS.

3 Sec. 08.63.200. FEES. The department shall establish fees under
4 AS 08.01.065 for the following procedures related to licensing under
5 this chapter:

- 6 (1) application;
7 (2) examination;
8 (3) credential review;
9 (4) license;
10 (5) temporary license;
11 (6) license for supervised practice;
12 (7) renewal of license.

13 Sec. 08.63.210. CONFIDENTIALITY OF COMMUNICATION. (a) A person
14 licensed under this chapter may not reveal to another person a commu-
15 nication made to the licensee by a client about a matter concerning
16 which the client has employed the licensee in a professional capacity.
17 This section does not apply to

18 (1) a case conference with other persons licensed under
19 this chapter or with clinical social workers, psychologists, psycho-
20 logical associates, physicians, or surgeons;

21 (2) the release of information that the client in writing
22 authorized the licensee to reveal; or

23 (3) information revealed as part of the discovery of evi-
24 dence related to a court proceeding or introduced in evidence in a
25 court proceeding.

26 (b) Notwithstanding (a) of this section, a person licensed under
27 this chapter shall report incidents of child abuse or neglect as
28 required by AS 47.17.020.

29 Sec. 08.63.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY

1 SANCTIONS. After a hearing, the board may impose a disciplinary
2 sanction on a person licensed under this chapter when the board finds
3 that the person

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

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

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

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

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

15 (6) continued to practice after becoming unfit due to
16 professional incompetence;

17 (B) addiction or severe dependency on alcohol or
18 another drug that impairs the person's ability to practice safe-
19 ly;

20 (7) engage in lewd or immoral conduct in connection with
21 the delivery of professional services to clients.

22 Sec. 08.63.230. DISCIPLINARY SANCTIONS. (a) When it finds that
23 a licensee has violated a provision of AS 08.63.220, the board may
24 impose the following sanctions singly or in combination:

25 (1) permanently revoke a license to practice;

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

27 (3) censure a licensee;

28 (4) issue a letter of reprimand;

29 (5) place a licensee on probationary status and require the

1 licensee to

2 (A) report regularly to the board on matters involving
3 the basis of probation;

4 (B) limit practice to prescribed areas;

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

8 (6) impose limitations or conditions on the practice of a
9 licensee.

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

13 (c) The board may summarily suspend a license before final
14 hearing or during the appeals process if the board finds that the
15 licensee poses a clear and immediate danger to the public welfare and
16 safety if the licensee continues to practice. A person whose license
17 is suspended under this section is entitled to a hearing by the board
18 no later than seven days after the effective date of the order. The
19 person may appeal the suspension after the hearing to the superior
20 court.

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

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

28 Sec. 08.63.240. LICENSE REQUIRED IF DESIGNATION USED. A person
29 who is not licensed under this chapter or whose license is suspended

1 or revoked, or whose license has lapsed, who knowingly uses in connec-
2 tion with the person's name the words or letters "L.M.F.T.,"
3 "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Mar-
4 riage and Family Counselor," or other letters, words, or insignia
5 indicating or implying that the person is licensed as a marital and
6 family therapist in this state or who in any way, orally or in writ-
7 ing, directly or by implication, knowingly holds out as being licensed
8 as a marital and family therapist in this state 's guilty of a class B
9 misdemeanor.

10 Sec. 08.63.900. 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 Marital and Family Therapy;

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

21 (4) "department" means the Department of Commerce and
22 Economic Development;

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

29 (A) the professional application of assessments and

1 treatments of psychotherapeutic services to individuals, couples,
2 and families for the purpose of treating the diagnosed emotional
3 and mental disorders;

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

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

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

15 (31) Board of Marital and Family Therapy (AS 08.63.010).

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

17 (a) An audiologist licensed under AS 08.11, a person licensed in
18 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,
19 a marital and family therapist licensed under AS 08.63, a medical
20 practitioner or osteopath under AS 08.64, a registered nurse under
21 AS 08.68, an optometrist under AS 08.72, a registered pharmacist under
22 AS 08.80, a physical therapist or occupational therapist licensed
23 under AS 08.84, a psychologist under AS 08.86, or a clinical social
24 worker licensed under AS 08.95, shall use as professional identifica-
25 tion appropriate letters or a title after that person's name which
26 represents that person's specific field of practice. The letters or
27 title shall appear on all signs, stationery, or other advertising in
28 which the person offers or displays personal professional services to
29 the public. In addition, a person engaged in the practice of medicine

1 or osteopathy under AS 08.64.380(2) or a person engaged in any manner
2 in the healing arts who diagnoses, treats, tests, or counsels other
3 persons in relation to human health or disease and uses the letters
4 "M.D." or the title "doctor" or "physician" or another title that
5 tends to show that the person is willing or qualified to diagnose,
6 treat, test, or counsel another person, shall clarify the letters or
7 title by adding the appropriate specialist designation, if any, such
8 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
9 like.

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

11 (24) Board of Marital and Family Therapy (AS 08.63.010) --
12 June 30, 1994.

13 * Sec. 5. AS 21.88.900(9) is amended to read:

14 (9) "health care provider" means an audiologist licensed
15 under AS 08.11; a chiropractor licensed under AS 08.20; a dental
16 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
17 a marital and family therapist licensed under AS 08.63; a nurse li-
18 censed under AS 08.68; a dispensing optician licensed under AS 08.71;
19 an optometrist licensed under AS 08.72; a pharmacist licensed under
20 AS 08.80; a physical therapist or occupational therapist licensed
21 under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a
22 psychologist and a psychological associate licensed under AS 08.86; a
23 hospital as defined in AS 18.20.130, including a governmentally owned
24 or operated hospital; a corporate entity covered under AS 21.88.-
25 050(b)(11); an employee of a health care provider acting within the
26 course and scope of employment;

27 * Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:

28 (55) Board of Marital and Family Therapy (AS 08.63.010).

29 * Sec. 7. AS 47.17.070(9) is amended to read:

1 (9) "practitioner of the healing arts" includes chiro-
2 practors, dental hygienists, dentists, health aides, nurses, nurse
3 practitioners, occupational therapists, occupational therapy assis-
4 tants, optometrists, osteopaths, naturopaths, physical therapists,
5 physical therapy assistants, physicians, physician's assistants,
6 psychiatrists, psychologists, psychological associates, marital and
7 family therapists licensed under AS 08.63, audiologists licensed under
8 AS 08.11, hearing aid dealers licensed under AS 08.55, religious
9 healing practitioners, and surgeons;

10 * Sec. 8. INITIAL APPOINTMENTS. (a) In making the initial appoint-
11 ments of professional members to the Board of Marital and Family Therapy,
12 the governor shall consider a person licensed for the purpose of AS 08.63.-
13 010, enacted by sec. 1 of this Act, if the person would be entitled to a
14 license under AS 08.63.100(a)(1) - (3)(A) - (B), enacted by sec. 1 of this
15 Act. The Board of Marital and Family Therapy shall issue a license to
16 practice marital and family therapy to the professional members appointed
17 under this section.

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

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

25 (1) applies for a license before July 1, 1991;

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

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

1 (A) marital and family therapy; or

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

3 and

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

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

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

14 * Sec. 10. AS 08.63.240, as enacted by sec. 1 of this Act, takes effect
15 July 1, 1991.

16 * Sec. 11. Except as provided in sec. 10 of this Act, this Act takes
17 effect July 1, 1990.