

SB 440

HCS waived 5/2/91 Jua waived 5/4/91

HOUSE COMMITTEE REPORT

(11)  
Date Referred: May 6, 1991

FURTHER REFERRALS:

Date of Committee Action: 5/14/91

The FINANCE Committee considered: CSSB 40(FIN)

CS FOR SENATE BILL NO. 40 (FINANCE) MARITAL AND FAMILY THERAPISTS

"An Act regulating the practice of marital and family therapy and amending Alaska Rule of Evidence 504(a)(3)."

RECOMMENDATIONS:  
be replaced with HCS CS SB 40(FIN) [X] the same title [ ] a new title

- [ ] have attached amendments(s)
- [X] do pass
- [ ] do not pass
- [ ] no recommendations
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: Senate letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

- [ ] fiscal impact \_\_\_\_\_
- [X] zero fiscal note DCED
- [ ] fiscal note(s) \_\_\_\_\_
- [ ] zero fiscal note(s) \_\_\_\_\_

| SIGNING DO PASS  | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------|----|-----------------------|-----|----|----|
| Mike Navarre     |    | Bob Sharp             |     | X  |    |
| Mandi Bayer      | X  | George JACO           |     | X  |    |
| Kay Brown        | X  |                       |     |    |    |
| Thomas Koponen   | X  |                       |     |    |    |
| Thomas Barnes    | X  |                       |     |    |    |
| Robt E. Phillips | X  |                       |     |    |    |
| Donald J. Larsen | X  |                       |     |    |    |
| F. Ulmer         | X  |                       |     |    |    |
|                  |    |                       |     |    |    |
|                  |    |                       |     |    |    |
|                  |    |                       |     |    |    |

Mike Navarre  
60- CHAIRMAN'S SIGNATURE

# Alaska State Legislature

Sen. Pat Pourchot, Co-Chairman  
Sen. Jay Kerttula, Co-Chairman



P.O. Box V  
State Capitol  
Juneau, Alaska 99811

907-465-3712

Sen. Al Adams  
Sen. Jim Duncan  
Sen. Lyman F. Hoffman  
Sen. Dick Shultz  
Sen. Rick Uehling

## Senate Finance Committee

### SENATE FINANCE COMMITTEE LETTER OF INTENT

CSSB 40 (FIN)

"Regulating the practice of marital and family therapy."

The Senate Finance Committee is concerned that the license fees reflected in the fiscal note for CSSB 40 (FIN) of \$350 per year will only support the full program costs of the marital and family therapists board every other year unless licensees are forced to pay a prohibitively high annual fee.

This Committee encourages the prime sponsor and both the Governor and the Department of Commerce & Economic Development to make an effort in the next two years to combine the Marital and Family Therapy Board with other boards. We believe this would create administrative costs that can easily be covered by licensing fees each year.

A handwritten signature in cursive script, appearing to read "Pat Pourchot".

Senator Pat Pourchot  
Co-Chair  
Senate Finance

Senate adopted 4/17/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

No. 2

Bill Version: CSSB 40 (FIN)

(S) Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_ Department Affecter: \_\_\_\_\_  
 Title: Regulating the practice of BRU: Occupational Licensing  
marital and family therapy.... Component: Administration  
 Sponsor: Senator Pearce  
 Requestor: Senate HESS COMPONENT SERIAL NO. 

|   |   |   |   |
|---|---|---|---|
| 0 | 3 | 5 | 6 |
|---|---|---|---|

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING         | FY 92 | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 3.6   | 3.6   | 3.6   | 3.6   | 3.6   | 3.6   |
| TRAVEL            | 12.7  | 12.7  | 11.6  | 11.6  | 11.6  | 11.6  |
| CONTRACTUAL       | 10.7  | 10.7  | 10.7  | 10.7  | 10.7  | 10.7  |
| 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   | 28.0  | 28.0  | 26.9  | 26.9  | 26.9  | 26.9  |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |      |   |      |   |      |   |
|---------|------|---|------|---|------|---|
| REVENUE | 28.0 | 0 | 28.0 | 0 | 28.0 | 0 |
|---------|------|---|------|---|------|---|

FUNDING: (Thousands of Dollars)

|               |      |      |      |      |      |      |
|---------------|------|------|------|------|------|------|
| GENERAL FUND  |      | 28.0 |      | 26.9 |      | 26.9 |
| FEDERAL FUNDS |      |      |      |      |      |      |
| OTHER GF/PR   | 28.0 | 0    | 26.9 | 0    | 26.9 | 0    |
| TOTAL         | 28.0 | 28.0 | 26.9 | 26.9 | 26.9 | 26.9 |

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) CSSB 40 (HES) 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 40 practitioners who would be affected by this legislation upon passage.

Prepared By: Jennifer Strickler, Admin. Officer Phone: 465-2144

Division: Occupational Licensing Date: April 15, 1991

Approved by Commissioner: Glenn A. Olds

Agency: Commerce & Economic Development Date: 4-15-91

Changes in CSSB 40 (Fin) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate. Glenn A. Olds Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

4/17/91 date Glenn A. Olds Comte Aide (initial)

CONTINUATION OF FISCAL NOTE ANALYSIS - CSSB 40 (HES)

This fiscal note represents the cost of licensing marital and family therapists with a five-member board and an estimate of forty (40) practitioners who would seek and qualify for licensure. Costs of the program are projected based on the number of licensees and mandates in the bill. Therefore, costs associated with the marital and family therapy licensing program are projected as follows:

Personal Services: \$ 3.6

To provide administrative staff support.

Travel: \$ 12.7

In FY 92, this funding will provide for two face-to-face meetings (one in Anchorage and one 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; and two additional meetings to be held by teleconference.

In FY 93, funding provides for three board meetings (two face-to-face and one by teleconference), and travel to administer the licensing examination in various locations throughout the State. (\$12.7)

In FY 94 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. (\$11.6)

Contractual: \$ 10.7

This funding provides for printing, advertising, postage and communication costs.

Supplies: \$ 1.0

Funding will provide standard office supplies.

Grand Total: \$ 28.0

REVENUE:

The revenues are based on 40 practitioners paying a licensing fee of \$350 per year. Licenses are issued on a biennial cycle; therefore, revenues are doubled every other year ( $40 \times \$350 \times 2 = \$28,000$ ). As indicated, a license fee of \$350 per year (\$700 biennial), will support the costs of the licensing program in the first year.

Based on 40 practitioners, licensing fees will only be able to cover full program costs with a five-member board every other year unless licensees are willing to pay incredibly high annual licensing fees.

HOUSE CS FOR CS FOR SENATE BILL NO. 40 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS PEARCE, Menard

REPRESENTATIVES Gruenberg, M.A. Miller

A BILL

FOR AN ACT ENTITLED

1 "An Act regulating the practice of marital and family therapy and amending Alaska Rule  
2 of Evidence 504(a)(3)."

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

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

5 CHAPTER 63. MARITAL AND FAMILY THERAPY.

6 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

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

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

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

13 Sec. 08.63.030. MEETINGS. The board shall hold an annual meeting and may hold  
14 special meetings at the call of the chair or a majority of the board members.

1           Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may only remove  
2 a member of the board for good cause.

3           Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall

4           (1) establish objective examination requirements and training and education  
5 requirements for persons who apply for a license to practice marital and family therapy;

6           (2) examine applicants and issue licenses to qualified applicants;

7           (3) establish continuing education requirements for license renewal;

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

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

11           (6) ensure that licensees are aware of the requirements of AS 47.17.020;

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

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

17           (9) enforce the provisions of this chapter and adopt regulations necessary to carry  
18 out its duties under this chapter.

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

21           ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

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

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

25           (2) pays the fee established under AS 08.01.065;

26           (3) furnishes evidence satisfactory to the board that the person

27           (A) has not engaged in conduct that is a ground for imposing disciplinary  
28 sanctions under AS 08.63.210;

29           (B) holds a master's degree or doctorate in marital and family therapy or  
30 allied mental health field from a regionally accredited educational institution approved by  
31 the board for which the person completed a course of study that included instruction

1 substantially equivalent to the following:

2 (i) three courses or nine semester or 12 quarter hours of course  
3 work in marital and family therapy;

4 (ii) three courses or nine semester or 12 quarter hours of course  
5 work in marital and family studies;

6 (iii) three courses or nine semester or 12 quarter hours of course  
7 work in human development;

8 (iv) one course or three semester or four quarter hours of course  
9 work in professional studies or professional ethics and law;

10 (v) one course or three semester or four quarter hours of course  
11 work in research; and

12 (vi) one year of supervised clinical practice in marital and family  
13 therapy;

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

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

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

21 (D) has received training related to domestic violence; and

22 (E) has passed a written or oral examination administered by the board.

23 (b) Under regulations adopted by the board, a person who holds a master's or doctorate  
24 degree in marital and family therapy or allied mental health field from a regionally accredited  
25 educational institution approved by the board, but whose course of degree study did not include  
26 all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute  
27 post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B)  
28 of this section.

29 (c) An applicant who fails an examination given under this section may not retake the  
30 examination for a period of six months from the date of the examination that the applicant failed.

31 (d) A license issued under this section shall be renewed biennially by the applicant on

1 a date set by the department and approved by the board. It shall be renewed by payment of the  
2 fee established under AS 08.01.065 and by satisfaction of the continuing education requirements  
3 established by the board for the renewal of licenses issued under this section.

4 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board shall issue  
5 a four-year license for the supervised practice of marital and family therapy to a person who  
6 meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A) - (B).

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

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

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

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

13 (d) A licensee under this section shall submit to the board for its approval a proposed  
14 plan for satisfying the supervision requirements of AS 08.63.100(a)(3)(C).

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

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

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

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

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

23 (2) be licensed under this chapter; and

24 (3) meet the minimum standards established by the board for approved  
25 supervisors.

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

31 (b) A person may practice under a temporary license until the board issues the results

1 of the first marital and family therapy examination given after issuance of the person's temporary  
2 license and either issues or denies a license under AS 08.63.100 to the person.

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

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

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

10 (2) meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A).

### 11 ARTICLE 3. GENERAL PROVISIONS.

12 Sec. 08.63.200. CONFIDENTIALITY OF COMMUNICATION. (a) A person licensed  
13 under this chapter may not reveal to another person a communication made to the licensee by  
14 a client about a matter concerning which the client has employed the licensee in a professional  
15 capacity. This section does not apply to

16 (1) a case conference or case consultation with other mental health professionals  
17 at which the patient is not identified;

18 (2) the release of information that the client in writing authorized the licensee to  
19 reveal;

20 (3) information released to the board as part of a disciplinary or other proceeding;  
21 or

22 (4) situations where the rules of evidence applicable to the psychotherapist-patient  
23 privilege allow the release of the information.

24 (b) Notwithstanding (a) of this section, a person licensed under this chapter shall report  
25 incidents of

26 (1) child abuse or neglect as required by AS 47.17;

27 (2) harm or assaults suffered by an elderly person or disabled adult as required  
28 by AS 47.24.

29 (c) Information obtained by the board under (a)(3) of this section is confidential and is  
30 not a public record for purposes of AS 09.25.110 - 09.25.140.

31 Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.

1 After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person  
2 licensed under this chapter when the board finds that the person

3 (1) secured a license through deceit, fraud, or intentional misrepresentation;  
4 (2) engaged in deceit, fraud, or intentional misrepresentation in the course of  
5 providing professional services or engaging in professional activities;

6 (3) advertised professional services in a false or misleading manner;  
7 (4) has been convicted of a felony or of another crime that affects the person's  
8 ability to practice competently and safely;

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

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

12 (A) professional incompetence;

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

15 (7) engaged in unethical conduct in connection with the delivery of professional  
16 services to clients.

17 Sec. 08.63.220. LICENSE REQUIRED IF DESIGNATION USED. A person who is not  
18 licensed under this chapter or whose license is suspended or revoked, or whose license has  
19 lapsed, who knowingly uses in connection with the person's name the words or letters  
20 "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and  
21 Family Counselor," or other letters, words, or insignia indicating or implying that the person is  
22 licensed as a marital and family therapist by this state or who in any way, orally or in writing,  
23 directly or by implication, knowingly holds out as being licensed by the state as a marital and  
24 family therapist in this state is guilty of a class B misdemeanor.

25 Sec. 08.63.900. DEFINITIONS. In this chapter, unless the context indicates otherwise,

26 (1) "advertise" includes issuing or causing to be distributed a card, sign or device  
27 to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure,  
28 or in a newspaper, magazine, or directory, or on radio or television, or using other means  
29 designed to secure public attention;

30 (2) "board" means the Board of Marital and Family Therapy;

31 (3) "course" means a class of at least three credit hours in a graduate program at

1 an accredited educational institution or an institution approved by the board;

2 (4) "department" means the Department of Commerce and Economic  
3 Development;

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

8 (A) the professional application of assessments and treatments of  
9 psychotherapeutic services to individuals, couples, and families for the purpose of treating  
10 the diagnosed emotional and mental disorders;

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

15 (6) "supervision" means face-to-face consultation, direction, review, evaluation,  
16 and assessment of the practice of the person being supervised, including direct observation and  
17 the review of case presentations, audio tapes, and video tapes.

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

19 (33) Board of Marital and Family Therapy (AS 08.63.010).

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

21 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11,  
22 a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a  
23 marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath  
24 under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered  
25 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.-  
26 84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use  
27 as professional identification appropriate letters or a title after that person's name which repre-  
28 sents that person's specific field of practice. The letters or title shall appear on all signs,  
29 stationery, or other advertising in which the person offers or displays personal professional  
30 services to the public. In addition, a person engaged in the practice of medicine or osteopathy  
31 under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,

1 tests, or counsels other persons in relation to human health or disease and uses the letters "M.D."  
2 or the title "doctor" or "physician" or another title that tends to show that the person is willing  
3 or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by  
4 adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist",  
5 "audiologist", "naturopath", or the like.

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

7 (25) Board of Marital and Family Therapy (AS 08.63.010) -- June 30, 1994.

8 \* Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

9 (57) Board of Marital and Family Therapy (AS 08.63.010).

10 \* Sec. 6. AS 47.17.290(13) is amended to read:

11 (13) "practitioner of the healing arts" includes chiropractors, mental health  
12 counselors, dental hygienists, dentists, health aides, nurses, nurse practitioners, occupational  
13 therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical thera-  
14 pists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists,  
15 psychological associates, audiologists licensed under AS 08.11, hearing aid dealers licensed under  
16 AS 08.55, marital and family therapists licensed under AS 08.63, religious healing  
17 practitioners, acupuncturists, and surgeons;

18 \* Sec. 7. AS 47.24.010(a) is amended to read:

19 (a) The following persons who, in the performance of their professional duties, have  
20 reasonable cause to believe that an elderly person has suffered harm shall, not later than 24 hours  
21 after first having cause for the belief, report the harm to the Department of Health and Social  
22 Services:

23 (1) a physician or other licensed health care provider;

24 (2) a mental health professional as defined in AS 47.30.915(11) and including  
25 a marital and family therapist licensed under AS 08.63;

26 (3) a pharmacist;

27 (4) an administrator of a nursing home, residential care or health care facility;

28 (5) a guardian or conservator;

29 (6) a police officer;

30 (7) a village public safety officer;

31 (8) a village health aide;

- 1 (9) a social worker;  
2 (10) a member of the clergy;  
3 (11) a staff employee of a project funded by the Older Alaskans Commission;  
4 (12) an employee of a homemaker program or home health aide program;  
5 (13) an emergency medical technician or a paramedic in the mobile intensive care  
6 program.

7 \* Sec. 8. AS 47.24.110(a) is amended to read:

8 (a) The following persons who, in the performance of their professional duties, have  
9 reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 -  
10 11.41.230 or sexual assault under AS 11.41.410 - 11.41.420, and that the disabled adult is unable  
11 to report the crime, shall promptly report the crime to the nearest law enforcement agency:

- 12 (1) a physician or other licensed health care provider;  
13 (2) a mental health professional as defined in AS 47.30.915 and including a  
14 marital and family therapist licensed under AS 08.63;  
15 (3) a pharmacist;  
16 (4) an administrator or employee of a nursing home, residential care, or health  
17 care facility;  
18 (5) a caretaker of the disabled adult;  
19 (6) a guardian or conservator of the disabled adult;  
20 (7) a police officer as defined in AS 18.65.290;  
21 (8) a village public safety officer;  
22 (9) a village health aide;  
23 (10) a social worker;  
24 (11) a member of the clergy;  
25 (12) a staff employee of a program or project serving disabled adults;  
26 (13) a licensed foster care provider;  
27 (14) a paid employee of a domestic violence and sexual assault program or a  
28 crisis intervention and prevention program as defined in AS 18.66.900;  
29 (15) an employee of a homemaker program or home health aide program;  
30 (16) an emergency medical technician or paramedic in the mobile intensive care  
31 program.

1 \* Sec. 9. Alaska Rule of Evidence 504(a) is amended to read:

2 (a) DEFINITIONS. As used in this rule:

3 (1) A patient is a person who consults or is examined or interviewed by a  
4 physician or psychotherapist.

5 (2) A physician is a person authorized to practice medicine in any state or nation,  
6 or reasonably believed by the patient so to be.

7 (3) A psychotherapist is (A) a person authorized to practice medicine in any state  
8 or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or  
9 treatment of a mental or emotional condition, including alcohol or drug addiction, [OR] (B) a  
10 person licensed or certified as a psychologist or psychological examiner under the laws of any  
11 state or nation or reasonably believed by the patient to so be, while similarly engaged, or (C) a  
12 person licensed as a marital or family therapist under the laws of a state or nation or  
13 reasonably believed by the patient to so be, while similarly engaged.

14 (4) A communication is confidential if not intended to be disclosed to third  
15 persons other than those present to further the interest of the patient in the consultation,  
16 examination, or interview, or persons reasonably necessary for the transmission of the  
17 communication, or persons who are participating in the diagnosis and treatment under the  
18 direction of the physician or psychotherapist, including members of the patient's family.

19 \* Sec. 10. INITIAL APPOINTMENTS. (a) In making the initial appointments of professional  
20 members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for  
21 the purpose of AS 08.63.010, added by sec. 1 of this Act, if the person would be entitled to a license  
22 under sec. 11 of this Act. The Board of Marital and Family Therapy shall issue a license to practice  
23 marital and family therapy to the professional members appointed under this section.

24 (b) A license issued under this section is subject to the same renewal requirements as a license  
25 issued under AS 08.63.100, added by sec. 1 of this Act.

26 (c) The initial appointments to the board shall be staggered as provided in AS 39.05.055.

27 \* Sec. 11. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100, added by sec. 1 of  
28 this Act, the Board of Marital and Family Therapy shall issue a license to practice marital and family  
29 therapy to a person who

30 (1) applies for a license before July 1, 1992;

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

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

3 (A) marital and family therapy or another mental health field; or

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

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

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

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

SENATE HESS COMMITTEE

AMENDMENT  
SENATE BILL 40

Adopted

Page 3, Line 1:

(i) (3 courses: 9 semester or 12 quarter hours) courses in marital and family therapy;

(ii) (3 courses: 9 semester or 12 quarter hours) courses in marital and family studies;

(iii) (3 courses: 9 semester or 12 quarter hours) courses in human development

(iv) (1 course: 3 semester or 4 quarter hours) in professional studies or professional ethics;

and (v) (1 course: 3 semester or 4 quarter hours) in research;

Adopted by Senate

A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSSB 40(HES)

BY SENATOR ADAMS

A

Page 5, line 23:

Following "of"

Insert "(1)"

Following "AS 47.17"

Insert ";

(2) harm or assault suffered by an elderly person or disabled adult as required by  
AS 47.24"

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 40(HES)

BY SENATOR ADAMS

B

Page 8, following line 12:

Insert new bill sections to read:

\*\* Sec. 7. AS 47.24.010(a) is amended to read:

(a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that an elderly person has suffered harm shall, not later than 24 hours after first having cause for the belief, report the harm to the Department of Health and Social Services:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915(11) and including a marital and family therapist licensed under AS 08.63;
- (3) a pharmacist;
- (4) an administrator of a nursing home, residential care or health care facility;
- (5) a guardian or conservator;
- (6) a police officer;
- (7) a village public safety officer;
- (8) a village health aide;
- (9) a social worker;
- (10) a member of the clergy;
- (11) a staff employee of a project funded by the Older Alaskans Commission;
- (12) an employee of a homemaker program or home health aide program;
- (13) an emergency medical technician or a paramedic in the mobile intensive care program.

\* Sec. 8. AS 47.24.110(a) is amended to read:

(a) The following persons who, in the performance of their professional duties, have reasonable cause to believe that a disabled adult is a victim of assault under AS 11.41.200 -

11.41.230 or sexual assault under AS 11.41.410 - 11.41.420, and that the disabled adult is unable to report the crime, shall promptly report the crime to the nearest law enforcement agency:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915 and including a marital and family therapist licensed under AS 08.63;
- (3) a pharmacist;
- (4) an administrator or employee of a nursing home, residential care, or health care facility;
- (5) a caretaker of the disabled adult;
- (6) a guardian or conservator of the disabled adult;
- (7) a police officer as defined in AS 18.65.290;
- (8) a village public safety officer;
- (9) a village health aide;
- (10) a social worker;
- (11) a member of the clergy;
- (12) a staff employee of a program or project serving disabled adults;
- (13) a licensed foster care provider;
- (14) a paid employee of a domestic violence and sexual assault program or a crisis intervention and prevention program as defined in AS 18.66.900;
- (15) an employee of a homemaker program or home health aide program;
- (16) an emergency medical technician or paramedic in the mobile intensive care program."

Renumber the following bill sections accordingly.

Page 9, line 3:

Delete "sec. 9"

Insert "sec. 11"

# Alaska State Legislature

3111 C Street, Suite 150  
Anchorage, Alaska 99503  
(907) 561-2038

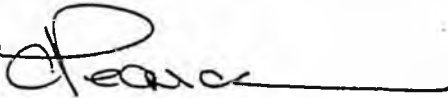


During Session:  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4993

Senator Drue Pearce  
District G

## MEMORANDUM

TO: Representative Eileen Maclean, Co-Chair  
House Finance Committee

FROM: Senator Drue Pearce 

DATE: May 2, 1991

RE: Pending Referral hearing for SB 40, Marital and Family  
Therapists Regulation

Please consider scheduling CSSB 40 (FIN), An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3), for a hearing next week pending referral from the House Judiciary Committee.

Your committee heard the House companion bill, HB 18, sponsored by Representative Gruenberg, in April. You adopted a number of amendments which had been adopted in the Senate version. Attached are amendments that the Senate version adopted but the House did not. Please note the Senate fiscal note is lower than the House fiscal note.

As you know, CSSB 40 (FIN) 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. By providing these standards the public would be protected:

If CSSB 40 (HESS) does not become law this year, a disruption of services will occur for the clients of Alaskan marital and family therapists. These clients will no longer qualify for public assistance reimbursement due to changes in the Medicaid regulations that require licensed providers. It is important that CSSB 40 (HESS) be passed this session.

Due to the lateness in the session, I urge you to consider scheduling this bill for a hearing next week pending referral.

Please call me or Tally Johnson of my staff, if you have any questions.

Thank you.

DP:tej

Attachments

cc: Representative Mike Navarre, Co-Chair, House Finance



## Alaska Association for Marriage and Family Therapy

a division of The American Association for Marriage and Family Therapy, Inc.  
2550 Denali Street, Suite 905, Anchorage, Alaska 99503 (907) 272-2063

9 April 1991

Senator Jay Kerttula  
Senate Finance Committee  
Alaska State Senate  
P. O. Box V  
Juneau, Alaska 99811

Dear Senator Kerttula:

I am writing to urge you to vote favorably to pass SB 40, which would regulate marriage and family therapists in the State of Alaska. AkAMFT has worked for the enactment of this legislation for over ten years now. It is long overdue! As you know, psychiatrists, clinical psychologists, psychiatric nurses and clinical social workers are all presently licensed and regulated by the State of Alaska. SB40 will insure that the only other major mental health field -- marriage and family therapists -- are publicly regulated and licensed.

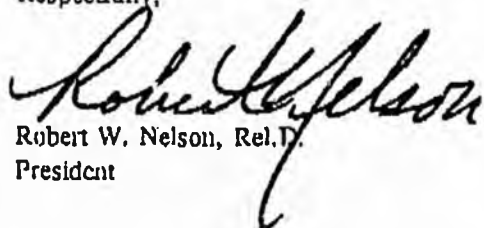
It is a terrible tragedy that when Alaska families and marriages are in trouble, under stress and most in need of the professional assistance of the very clinicians who are specialized to do marriage and family therapy there is no public regulatory agency and licensing standard to inform them about quality and basic standards. The Alaskan public has more quality checks on who will cut their hair that it does on who is qualified to provide therapeutic treatment for troubled families and marriages.

The American Association for Marriage and Family Therapy, of which our Alaska Division is a part, sets the standards nationwide in the field of marriage and family therapy. The academic, clinical, ethical and supervisory requirements to be a Clinical Member of AAMFT are written into SB 40 so as to insure that the Alaskan public will receive quality therapy and so that the State of Alaska meets national standards for the field.

Enclosed you will find a "Fact Sheet" which I would appreciate you reading prior to your committee's deliberations. In addition, if I can be of assistance in providing any further information to you and/or your committee regarding this legislation or its background, I do hope that you will call on me.

Again, thank you for considering SB 40. I thank you for your support in the past and I urge your support now.

Respectfully,

  
Robert W. Nelson, Rel.D.  
President

President Robert W. Nelson, Rel.D. ++ President-Elect Timothy Sander, M.Ed. ++ Secretary Sara Griffith, M.Ed.  
Treasurer Lowell Roddy, M.Ed. ++ Board Member Rhoda Vander Voort, M.A. ++ Board Member Philip S. Klees, Ph.D.  
Board Member Richard Stenbakken, M.A. ++ Student/Associate Representative to Board Martin Garrigues, M.S.

# FACT SHEET

## LICENSING MARRIAGE & FAMILY THERAPISTS

- ++ The Alaska Association for Marriage and Family Therapy (a division of the American Association for Marriage and Family Therapy which represents over 17,000 qualified marriage and family therapists in the United States, Canada and abroad) believes that licensure and regulation by the State, as the steward of the public cause, is one of the most effective vehicles to protect the public. AkAMFT advocates the licensure by the State of Alaska of all mental health professions.
  
- ++ There are six distinct and fully accredited mental health professions in Alaska: medical branch (including psychiatry & psychiatric nursing) and non-medical branch (including psychology, social work, marriage & family therapy, and mental health counseling). The only clearly defined clinical discipline not licensed and regulated by the State of Alaska is marriage & family therapy.
  
- ++ Marriage and family therapy has long been recognized by the Federal Government as a separate and distinct mental health discipline . . . not simply a part of psychiatry, psychology or social work.
  
- ++ Listed in the Sourcebook on Health Professions (published by the U.S. Dept. of Health Human Services, through the Health Resources and Services Administration)
  
- ++ The Public Health Service Act lists marriage and family therapy as separate and distinct for receiving training funds through the National Institute of Mental Health.
  
- ++ The U. S. Dept of Health, Education and Welfare have designated AAMFT's Commission on Accreditation as the sole national accrediting agency for graduate and post-degree educational and training programs in the field of marriage and family therapy.
  
- ++ CIAMPUS has clearly defined marriage and family therapy and qualified Clinical Members of AAMFT as providers.
  
- ++ Marriage and family therapists have been providers under Medicaid for many years.
  
  
- ++ Alaska needs to regulate and license marriage and family therapists. 22 States currently license and regulate marriage and family therapists . . . and an additional 22 States have licensure legislation before them.
  
  
- ++ All of the mental health professions "dispense strong medicine" . . . mental health interventions profoundly impact the individual or family at deep levels and in profound ways (for good or ill).
  
  
- ++ The State of Alaska exists to serve the people of Alaska and their needs and interests. (Some marriage and family therapists choose membership in the American Association for Marriage and Family Therapy. And, whereas Clinical Membership in AAMFT . . . much like other clinical professionals being a part of NASW, AMA or APA . . . set high standards for those who qualify and choose such membership, voluntary "certification" is no substitute for regulation by the State of Alaska.)
  
  
- ++ The State of Alaska holds the only possibility of responsibly and effectively regulating all mental health professions and thereby effectively closing many existing gaps that allow persons who are untrained and unqualified to identify themselves . . . and at the same time enable those who are highly trained, competent, and ethical in their practice to be identified as well.
  
  
- ++ Faced with marital or family stress, Alaskan families are not in optimum position to evaluate the stated credentials of persons holding themselves out as marriage and family therapists. But under such stress, they need the help of well-qualified therapists who are identified as such by State regulation. Licensing will provide Alaskan consumers with information about qualifications of professionals in the field, and they can then make more informed decisions based on objective criteria administered by a public body.

**++ There is a special danger in the mental health field: Persons holding themselves out to the public in misleading ways about their qualifications. It can be very lucrative to hang up a shingle or represent oneself as a "marriage and family therapist" regardless of training, clinical experience or supervision in the field. It has not been the intent of either the governor's office or the legislature to allow the Alaskan consumer to be exposed to unqualified, untrained and unsupervised treatment. It has rather been a result of limited awareness on the part of state officials regarding the profession of marriage and family therapy. But the result is the same.**

**++ The Division of Medical Assistance of the Alaska State Department of Health and Social Services, under federal mandate, is establishing new regulations for Medicaid in June 1991. Under the revised regulations, marriage and family therapists will be required to be licensed by the State of Alaska. The Division strongly supports licensing of marriage and family therapists as a means to ensure standards of care under Medicaid. Many marriage and family therapists presently provide therapy to Medicaid patients, maintaining AAMFT Clinical Membership and standards and carrying a high percentage of Medicaid caseloads for many years now. Such provider services will no longer be available to Alaskans. The proposed licensing legislation, if passed during this First Session of the Senevteenth Legislature and signed by the Governor will ensure that these services continue uninterrupted.**

**++ Because the function or practice of doing marriage and family therapy is not prohibited as such under the proposed legislation . . . other mental health therapists would continue to be able to work with couples and with families under their own respective State-approved licensing and regulating Statutes.**

**++ Under the proposed legislation, however, consumers would be able to clearly identify therapists who meet the qualifications to be a "Licensed Marriage and Family Therapist" (LMFT) or "Licensed Marriage and Family Counselor" (LMFC).**

**++ A growing number of mental health professionals have received specialized training in marriage and family therapy. Some of those may choose to seek licensure as "LMFT" or "LMFC" under the proposed legislation. A growing number of students in training are anticipating their primary area of work will be in the field of marriage and family therapy and will be seeking licensure under this legislation.**

+ + +

**++ Alaska has been in the vanguard of establishing social policy and maintaining progressive legislation in the field of alcohol treatment and general mental health care.**

+ + +

**++ Alaska must not be one of last States to establish clear-cut regulation of the profession of marriage and family therapy.**

+ + +

**++ Alaskan Medicaid patients must continue to be given the opportunity to choose marriage and family therapy as their choice of care.**

+ + +

**++ Alaskans must be allowed the opportunity to set public standards and regulate a clinical field that touches lives so profoundly.**

**++ Research as shown that marriage and family therapy is one of the most effective treatment approaches for many of the problems facing Alaska's families: family violence, substance abuse, delinquency and school problems, childhood and adolescent disorders, eating disorders, and marriage and families in trouble. (See: A Report of the Governor's Commission on Children and Youth, Our Greatest Natural Resource, Investing in the Future of Alaska's Children, January 1988).**



Aron S. Wolf, M.D., F.A.P.A. — President  
Theresa Turner, Administrator  
Randall Jones, M.A. — Vice President  
Helen Craig, M.S.W., A.C.S.W. — Secretary/Treasurer  
Gig McCarthy, M.D.  
Martin Atrops, Ph.D.  
John P. Crowley, Ph.D.  
Karen A. Sonlig, Psy.D.  
Nicki J. Nielsen, M.S.W., A.C.S.W.  
Donald Sparrow, M.S.W., A.C.S.W.  
Wendy Chase, M.S.W., A.C.S.W.  
Jackie T. Jeday, M.S.W., A.C.S.W.

May 8, 1991

Mr. Mike Navarre, Co-Chair  
Ms. Eileen McLean, Co-Chair  
House Finance Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear House Finance Committee:

We understand there are certainly more pressing issues at hand (State budget, etc.) however, we urge you to support the bill for licensure for Marriage and Family therapists, originally HB 18 (passed through the Senate as SB 40). Now we understand it is back in the House Finance Committee. We also understand it comes before the Committee with very few changes except it has a lower fiscal note. Your committee passed it through originally and we encourage you to do so again. We believe it to be in the best interest to the public and to the mental health profession by having well-trained and qualified professionals. In representing the clinic and myself, I thank you for your consideration.

Sincerely,

Randall G. Jones, M.A.  
Vice President

RGJ/cs

## FORUM

# State needs law regulating marital and family therapy

By REV. DIANNE O'CONNELL

We put labels on products in this country to protect the consumer. Such labeling, in the long run, also protects the provider from misunderstandings, at best, and lawsuits, at worst.

Sometimes the label promotes the positive side of the product, such as "for fast temporary relief of minor sore throat and mouth pain."

Sometimes the label warns against the negative side of the product, such as "Surgeon General's Warning: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight."

In both cases, it remains the prerogative of the consumer whether to purchase and/or use the product. Choices can be made between two similar products.

This "truth in packaging" concept can be transferred to less concrete products, such as spirituality and/or therapy or counseling.

The Alaska legislature is currently considering two bills: Committee Substitute for Senate Bill 40 and House Bill 18. Both would provide for the regulation of marital and family therapy in Alaska.

I support this legislation, although I am not a marriage and family therapist myself.

In fact, it is this non-therapist status that makes me concerned that persons offering therapeutic services be clearly labeled. I would rather know ahead of time from what perspective a potential care-giver is coming from than to have to shop around with no guidelines.

My fear also is that a couple seeking help for their personal or family relationships,



upon deciding that one therapist has not met their needs, will give up and believe "all therapists work alike." Not so.

There are six distinct and fully accredited mental health professions in Alaska: psychiatry and psychiatric nursing, social work, mental health counseling, and marriage and family therapy in the non-medical branch.

The only clearly defined clinical discipline not licensed and regulated by the state is marriage and family therapy.

All of the mental health professions "dispense strong medicine." Mental health intervention profoundly affects the individual or family at deep levels and in profound ways, for good or ill. Shouldn't we label these "medications" so that we know what we are taking before we take it?

Shouldn't we know what kind of training a potential therapist has had? Shouldn't we know that a potential therapist has the respect and support of other professionals in her or his field? Shouldn't we know that our potential therapist has kept current through participation in continuing education in her or his field?

The legislation I support would provide all of the above. It would mandate that a counselor using the label "Licensed Marital and Family Therapist" hold a master's

degree or doctorate in marital and family therapy, another mental health field, or the equivalent, from an accredited educational institution where he or she would have studied human development, ethics and law, research, marital and family studies and therapy, and would have had one year of supervised clinical practice in marital and family therapy.

There are additional clinical requirements, examination requirements and an application to a three-member board.

It should be quickly added, that this legislation would not prohibit counseling to persons and families by non-licensed caregiving individuals. We are not outlawing friends and grandmothers or local pastors and spiritual leaders.

In fact, some of us might prefer not to see a therapist with the training provided under this act. If so, the clear label "Marital and Family Therapist" warns us that a product is being dispensed here that we would prefer not to have.

But the product endorsed by the American Association for Marriage and Family Therapy and its local affiliates is a good one.

How does this product differ from other mental health products? The distinction is largely based on the assumption that if an individual is to change, the context in which he or she is living must change. The family is a complex set of relationships. When one relationship in the family changes, the others change as well.

Historically, marriage and family therapists have come from a wide variety of

educational backgrounds including psychology, psychiatry, social work, nursing, pastoral counseling and education. This diversity has enriched the field by bringing different perspectives to the problems of individuals and families.

Although marriage and family therapists come from varied backgrounds and use a wide variety of treatment methods and procedures, they generally share the following views:

- An individual's problems or difficulties need to be understood in the context of the family — both the nuclear family and the extended family. The second most important context is the community where the family lives.

- In general, the most effective and efficient way to help a person in need is to involve the other members of his or her family so that the family reinforces any program of change.

- To help an individual change, overcome a problem or learn to cope better, the family may need to change its patterns.

- The family's patterns may influence the problem, are usually affected by it, and need to be part of the solution.

- Persons interested in learning more about this approach to therapy or this legislation may contact the Alaska Association for Marriage and Family Therapy.

Dianne O'Connell is an ordained Presbyterian minister and chaplain at the Alaska Psychiatric Institute.