

H B

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HOUSE COMMITTEE REPORT

(7)

Date Referred: February 20, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-11-91

The JUDICIARY Committee considered:

HB 18

HOUSE BILL NO. 18

MARRIAGE & FAMILY THERAPISTS

"An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date."

RECOMMENDATIONS:

be replaced with CSHB 18 (JUD) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal impact _____

fiscal note(s) CEB 2-20-91

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not	No Rec	Amend
		Pass		
<u>Doreen Ouley</u>				
<u>Ms. Shumaker</u>				
<u>Terry Martin</u>				
<u>Mark Angles</u>				
<u>Kevin Pat Plonka</u>				

Doreen Ouley
Chairman's Signature

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 18

Page 2, following line 10:

Insert a new paragraph to read:

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

Renumber the following paragraphs accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 18

Page 3, line 14:

Delete "and"

Page 3, following 14:

Insert a new subparagraph to read:

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

Reletter the following subparagraph accordingly.

State of Alaska

Committees

CO-CHAIR, HOUSE JUDICIARY
VICE-CHAIR, HOUSE LABOR AND COMMERCE
HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES



P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4712
465-4968/4986
(SESSION)

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

MEMORANDUM

DATE: February 19, 1991

SUBJECT: Analysis of CSHB 18 (HESS), "An Act relating to the practice of marital and family therapy."

TO: Representative Max Gruenberg

FROM: Mark Handley

Following is a sectional description of HB 18:

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 -8.02.010.

Sec. 4. Adds the new board to the list of boards in AS 08.03.010, sunseting it in 1994.

Representative Max Gruenberg
February 19, 1991
Page 2

Sec. 5. Adds the new board to the list of agencies governed by the Administrative Procedure Act.

Sec. 6. Adds licensed marital and family therapists to the list of persons required to report suspected child abuse.

Sec. 7. Adds communications between a patient and a marital and family therapist to the privileged communications excluded under Evidence rule 504(a)(3).

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

Sec. 9. "Grandfather" provision.

State of Alaska

Committees

CO-CHAIR, HOUSE JUDICIARY
VICE-CHAIR, HOUSE LABOR AND COMMERCE
HOUSE HEALTH, EDUCATION
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**Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage**

MEMORANDUM

TO: Representative Dave Donley
Chair, House Judiciary Committee

FROM: Representative Max Gruenberg *Max Gruenberg*

DATE: February 18, 1991

RE: Scheduling of CSHB 18 (HESS), "An Act relating to
Licensing of Marital and Family Therapists."

I would very much appreciate it if you would schedule CSHB 18 (HESS), "An Act relating to Licensing of Marital and Family Therapists Bill," for a hearing as soon as it is possible.

CSHB 18 (HESS) will protect the public by providing standards and regulation for those who wish to become licensed marital and family therapy practitioners in this state.

It is critical that CSHB 18 (HESS) receive early attention in order to prevent a disruption of services for the clients of Alaskan marital and family therapists who will no longer qualify for public assistance reimbursement if a marital and family therapist licensing bill does not become law this year.

If you have any questions, please call me or my Legislative Assistant, Mark Handley, at 465-4968.

Thank you very much.



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

January 15, 1991

RECEIVED
FEB 1 - A.M.

Dear Legislator:

During this session, there is a bill sponsored by Representative Max Gruenberg and Senator Drue Pearce for the licensure of Marriage and Family therapists. The bill numbers are SB40 and HB18. We would like to take the opportunity at this time to inform you on the field of Marriage and Family Therapy and the arguments for licensure. Included in this packet are fact sheets about Marriage and Family Therapy and a newsletter update about both the Alaska Association for Marriage and Family Therapy as well as its impact on a national scope. Also included in this packet are a sample of the broad base of support the mental health professions and others have shown for licensure of Marriage and Family therapists.

We feel that consumer advocacy and freedom of choice is an utmost priority, particularly in light of the changes in Medicaid regulations that require licensed providers. Many people who are being helped by MFTs and services paid for by Medicaid will no longer be able to receive that help when those regulations go into effect. Licensure can insure that no one will be left without the necessary mental health services.

We hope you and your aides will take some time to read through the material presented. Thank you for your time and consideration.

Sincerely,

Robert Nelson, Rel.D.
President, AkAMFT
Mercy Dennis, M.A.
Randall G. Jones, M.A.
Co-Chair, Legislative Affairs

President Robert W. Nelson, Rel.D. ++ Presi
Treasurer Lowell Roddy, M.Ed. ++ Board Mem
Board Member Richard Stenbakken, M.A. ++

b. ++ Secretary Sara Griffeth, M.Ed.
++ Board Member Phillip S. Klees, Ph.D.
tive to Board Martin Garrigues, M.S.

Letters of Support

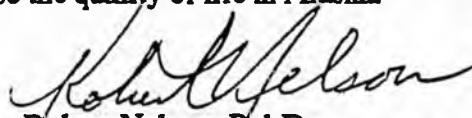
THE ALASKA ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

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.



Robert Neison, Rel.D.
President-AkAMFT

Mercy Dennis, M.A.
Randall G. Jones, M.A.
Co-Chair, Legislative Affairs

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, Alaskan 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 professional 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,

Robert Nelson, Rel.D.
President-AkAMFT

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.

++ CHAMPUS 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).

2062

David R. Samson M.D.
Board Certified Psychiatrist

November 21, 1990

Jim Nordlund
% Representative Johnny Ellis
3111 "C" Street, Suite 455
Anchorage, Alaska 99503

Dear Mr. Nordlund:

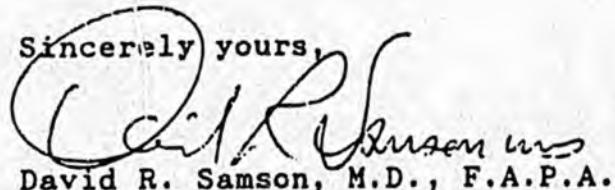
This letter is in support of licensing for marriage and family therapists. I wrote a similar letter on October 20, 1989 supporting it for last year's legislature.

As a psychiatrist, I believe that marriage and family therapists provide specific services that are needed in our communities. I believe it is essential that our state government assures the public that people who claim to be marriage and family therapists do indeed have the necessary advanced educational requirements and experiences to provide marriage and family services. This can best be arranged with specific licensing and re-licensing requirements.

I have worked with multiple therapists in and out of community mental health center settings and in private practice. This includes several trained marriage and family therapists. I have been very impressed with their continuing education efforts over the several years that I have been working with them and think they do an excellent job continuing their professional competence.

I urge that the state legislature pass legislation in the coming year to insure that licensing exists for marriage and family therapists. I wholeheartedly support this effort.

Sincerely yours,



David R. Samson, M.D., F.A.P.A.



515 E. Dahlia
P.O. Box 1687
Palmer, AK 99645
907-745-4813

January 5, 1990

Dear Governor and Legislators,

I strongly support the state of Alaska establishing certification or licensing requirements at the state level for Family and Marriage Therapists.

As Associate Administrator of Health Services at Valley Hospital, I think the assurance licensure provides, that family and marriage therapists have been properly trained, is essential when referring patients and employees to their services.

It has been my observation that at the time a family or couple are referred for therapy, they are often in crisis, and extremely vulnerable to a therapists guidance and influence. An, improperly trained therapist represents a threat to these at risk individuals.

Passage of state legislation, insuring licensure of family and marriage therapists is urgently needed, and has my complete support.

Sincerely,

A handwritten signature in cursive script that reads "Christine Blackgoat".

Christine Blackgoat,
Associate Administrator
of Health Service



GREATER WASILLA CHAMBER OF COMMERCE

COTTONWOOD CREEK MALL

P.O. BOX 871826

WASILLA, ALASKA 99687

(907) 376-1299

RESOLUTION

- WHEREAS there have been cases of abuse and mistreatment by people claiming to be qualified marriage and family therapists.
- WHEREAS there are currently no laws regulating the practice of marital and family therapy in the State of Alaska.
- WHEREAS the public should have the right to know that practitioners claiming to be marital and family therapists have met professional standards and are qualified to perform marital and family therapy.
- WHEREAS the State of Alaska has developed regulations and licensing requirements for other health care providers.
- BE IT RESOLVED that the Greater Wasilla Chamber of Commerce supports the concept of regulation and licensing of practitioners of marital and family therapy, the establishment of a board of marital and family therapy, and the qualifications for license to practice marital and family therapy as outlined in House Bill - 305.

Signed,
Rocky Spear

President,
Greater Wasilla Chamber of Commerce

5/18/89



CHARTER NORTH HOSPITAL

COUNSELING CENTERS

1001 Noble Street, Suite 380
Fairbanks, Alaska 99701
(907) 456-7575

240 E. Tudor Road, Suite 240
Anchorage, Alaska 99503
(907) 561-7576

951 E. Bogard Road, Suite 102
Wasilla, Alaska 99687
(907) 373-7575

Optifast Weight Loss
(907) 561-7577
Chemical Dependency
(907) 561-7576

February 13, 1989

Mercy Dennis
2550 Denali Street
Suite 905
Anchorage, Alaska 99503

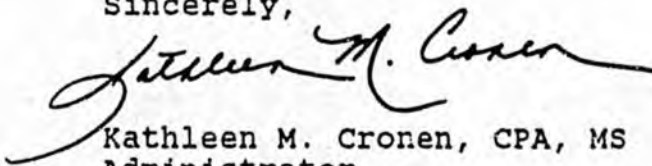
Dear Mercy:

I am writing in support of licensing for Marriage and Family Therapy by the State of Alaska. Alaska currently licenses and regulates psychiatry, psychiatric nursing, clinical psychology and psychological associate, and social work. Marriage and family therapy is recognized as a separate mental health discipline by the Federal government. Currently, 18 states license and regulate marriage and family therapists with an additional 22 states considering such legislation in 1989.

As a certified professional in the State of Alaska, I know that licensure and ongoing regulation is essential to maintaining both quality and integrity. I realize that some marriage and family therapists choose membership in the American Association of Marriage and Family Therapy. However, such voluntary membership is no substitution for regulation by the State. As the Administrator of Charter North Hospital, I am gravely concerned at the lack of regulations and requirements for licensure by individuals performing therapy.

Best of luck in this endeavor. Please feel free to contact me for further support on this matter.

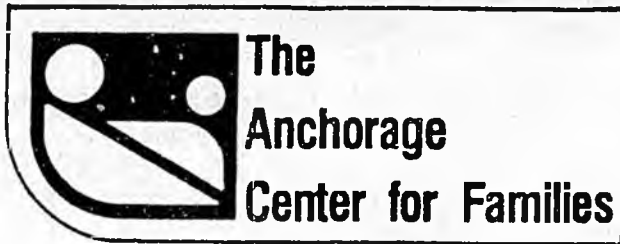
Sincerely,



Kathleen M. Cronen, CPA, MS
Administrator

KMC:rlr
2088





- Intermission
- Family Connection
- The Center for Children and Parents

3745 Community Park Loop, Suite 201 • Anchorage, Alaska 99508 • (907) 276-4994

April 5, 1989

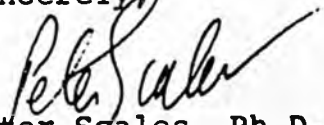
Mercy Dennis
2550 Denali, Suite 905
Anchorage, Alaska 99503

Dear Mercy:

I am writing to express my support of your efforts to put in place a licensing system for private practice marriage and family therapists. Recent data show that more and more mental health services are being provided by a wide variety of practitioners with very different backgrounds. As you know, at present in Alaska, there is no way for a consumer to judge the difference in quality of care that may be provided by these various practitioners. With a licensing system in place, based on accepted professional standards of certification and completion of extensive supervision requirements, Alaskan consumers will be better assured that they are purchasing quality mental health services.

Please let me know if I can assist you in this important effort.

Sincerely,



Peter Scales, Ph.D.
Executive Director



Strengthening Families Since 1972

Southcentral Alaska Chapter
National Committee for
Prevention of Child Abuse



The Family and Children's Clinic

561 SO. DENALI ST., SUITE A

PALMER, ALASKA 99645

(907) 745-3327

KENNETH P. FALLON, JR., M.S.W., A.C.S.W.

CLINICAL SOCIAL WORKER

CHERYL F. MITCHELL, M.S.W.

CLINICAL SOCIAL WORKER

MARY DALL, M.S.W.

CLINICAL SOCIAL WORKER

CHRISTOPHER L. DATTAN, M.D.

PSYCHIATRIST

PATRICIA SANDBERG, M.A.

THERAPIST

CHRISTINE CHILDERS, Ph.D.

CLINICAL PSYCHOLOGIST

December 4, 1989

Dr. Robert Nelson, President-Elect
Alaska Association for Marriage
and Family Therapists
4502 Cassin Drive
Anchorage, AK 99507

Dear Dr. Nelson:

I am writing this letter in support of the certification and/or licensing at the Alaska state level for marriage and family therapists.

As an Alaska state licensed clinical social worker, I feel strongly that licensing of family and marriage therapists is necessary to insure that the public receives the best possible level of services. Licensure would go a long way toward assuring the public that each licensed marriage and family therapist has adequately completed the nationally standardized graduate-level educational requirements as well as several years of supervised training necessary to be competent to deliver these services.

I have worked closely with a number of marriage and family therapists, and have attended seminars and continuing education classes with them. I respect their level of expertise and believe that their services are needed in Alaska.

I strongly recommend passage of state legislation in the coming year to license marriage and family therapists. If I can be of further assistance in this regard, please contact me.

Sincerely,

Cheryl F. Mitchell, M.S.W.

Cheryl F. Mitchell
Licensed Clinical Social Worker



Aron S. Wolf, M.D., F.A.P.A. — President
Thomas Brown, Administrator
Randall Jones, M.D. — Vice President
Nelson Craig, M.S.W., A.C.S.W. — Secretary/Treasurer
Greg McCarthy, M.D.
David Holladay, M.D.
Martin Arago, Ph.D.
Karen A. Seelye, Psy.D.
Mehi J. Milson, 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 E. Jeday, M.S.W., A.C.S.W.

December 11, 1990

Senator Dru Pearce
3111 C Street, Fifth Floor
Anchorage, Alaska 99503

Dear Senator Pearce:

We are very happy that you are sponsoring the Marriage and Family Therapy licensing bill. As you know, MFT is a distinct and separate mental health discipline and should be recognized as such. Licensing insures that adequately trained professionals are in the field. Consequently, we see licensure as a means to protect the public and to protect the integrity of all the mental health fields.

We are also well aware that lack of licensure is the only reason many insurance companies do not reimburse therapists for their services. We are seeing that particularly with Medicaid at this time. Consequently, we see licensing for trained mental health professionals as a need that the State needs to address. We strongly support the licensure of MFT's.

Thank you.

Sincerely,

Aron S. Wolf, M.D.
President, Langdon Psychiatric Corporation

ASW/cs



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue
P.O. Box 196614
Anchorage, Alaska 99513-6614
AREA CODE [907] 333-9561

SCHOOL BOARD

Sharon Richards
President

Carol Stolpe
Vice President

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Treasurer

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Theresa Obermeyer

SUPERINTENDENT

Thomas C. O'Rourke

January 28, 1991

Ms. Maureen Christensen
2836 N. Circle
Anchorage, Alaska 99507

Dear Maureen:

Thank you for the copies of House Bill No. 81 and Senate Bill No. 40.

We at the Anchorage School District are very concerned that our employees, as well as all citizens, have proper protection in the area of health care services, and we are in full support of your efforts to obtain legislation concerning the proper protection in this area of health care.

We hope your efforts are successful, and we look forward to seeing the final legislation that is approved.

Sincerely,

Warren Dvorak, Manager
Benefits Department

bb

WILLIAM A. WORRALL, MD

2550 Denali Street, Suite 603

Anchorage, Alaska 99503

Telephone: (907) 276-1504

December 10, 1990

We urge the Alaska State Legislature to support licensing for masters level therapists as proposed by the Alaska Association of Marriage and Family Therapists.

We believe that licensing is one of the few tools available to assure a high level of protection for people who seek counseling from therapists in private practice.

Licensing can be used to:

1. Establish a minimum set of standards for therapists.
2. Verify that therapists have received adequate training, supervision and experience in their fields before they begin to practice.
3. Assure that therapists maintain the highest level of ethics and clinical practice.
4. Provide an avenue of removing therapists who fail to meet these standards.
5. Widen the range of help available to the public since many insurance companies require that mental health providers be state licensed before they will reimburse clients for fees.

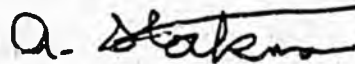
Sincerely,



William Worrall, M.D.



David Sperbeck, Ph.D.



Ann Stockman, MSW, LCSW



Aron E. Wolf, M.D., E.A.P.A. — President
Thomas Brown, Adm. Director
Brendell Jones, D.A. — Vice President
Nolan Craig, M.S.W., A.C.S.W. — Secretary Treasurer
Greg McCarthy, M.D.
David McFadyey, M.D.
Karon A. Smith, Ph.D.
Karon A. Smith, Psy.D.
Nabil A. Motson, M.S.W., A.C.S.W.
Donald Sparrow, M.S.W., A.C.S.W.
Woody Chase, M.S.W., A.C.S.W.
Jacquie T. Jodrey, M.S.W., A.C.S.W.

December 11, 1990

Representative Max Gruenberg
3111 C Street, Fourth Floor
Anchorage, Alaska 99503

Dear Representative Gruenberg:

We are very happy that you are sponsoring the Marriage and Family Therapy licensing bill. As you know, MFT is a distinct and separate mental health discipline and should be recognized as such. Licensing insures that adequately trained professionals are in the field. Consequently, we see licensure as a means to protect the public and to protect the integrity of all the mental health fields.

We are also well aware that lack of licensure is the only reason many insurance companies do not reimburse therapists for their services. We are seeing that particularly with Medicaid at this time. Consequently, we see licensing for trained mental health professionals as a need that the State needs to address. We strongly support the licensure of MFT's.

Thank you.

Sincerely,

G McCarthy —

Greg McCarthy, M.D.

GM/cs

Law Office of
Marvin H. Clark, Jr.

P.O. Box 87-4088
Wasilla, Alaska 99687
(907) 373-0121

TO: State Legislators
FROM: MARVIN CLARK
DATE: 1/10/91

I wish to stress the importance of this State ensuring that Marriage and Family Therapists can be licensed in Alaska. I am aware that Marriage and Family Therapists provide a service that is needed in our community, yet there is no assurance that people who say they are Marriage and Family Therapists indeed possess the training and experience necessary to perform those functions. It is important that the State enact licensing specifically to assure adequate training and experience be required for those who practice the profession of Marriage and Family Therapists.

Other mental health professionals have access to licensing in the State of Alaska; however, Marriage and Family Therapists have different background training and experience and provide an alternative mental health service, therefore, they also need licensing.

Please pass a licensing law for Marriage and Family Therapists during this 1991 session of the legislature. Thank you for your attention to this matter.





Aron S. Wolf, M.B., F.A.P.A. — President
Thomas J. Adams, M.A. — Vice President
Helen Craig, M.S.W., A.C.S.W. — Secretary/Treasurer
Greg McCarthy, M.B.
David Haddock, M.B.
Martin Atrops, Ph.D.
Karen A. Jentig, Psy.D.
Nehi J. Nelson, M.S.W., A.C.S.W.
Donald Sparrow, M.S.W., A.C.S.W.
Wendy Chese, M.S.W., A.C.S.W.
Jackie T. Jodoy, M.S.W., A.C.S.W.

December 27, 1990

Senator Virginia Collins
3111 C Street, Ste. 412
Anchorage, Alaska 99503

Dear Senator Collins:

I am writing to ask for your consideration of a bill to license marriage and family therapists which is to be introduced in the upcoming legislative session.

I support the intent of this bill which is to ensure that persons who offer their services to the public as marriage and family therapists have both the education, training, and experience to do so competently, and will do so ethically. At the present time, there is no assurance that this occurs in Alaska.

If you have questions concerning this bill, I would be happy to try and answer them.

Sincerely,

Donald Sparrow, A.C.S.W.
2050 Waldron Drive
Anchorage, Alaska 99507

DS/cs



The
Episcopal
Diocese of Alaska

The Rt. Rev. George C. Harris, Bishop

Post Office Box 441

Fairbanks, Alaska 99707-0441

Telephone (907) 452-3040

March 2, 1989

The Honorable Steve Cowper
State of Alaska
Juneau AK 99802

Dear Governor Cowper:

Of the many fiscal issues facing state government at this time, the licensing of marriage and family therapists is an issue of significant importance for consumer protection.

Incompetent people practicing in the mental health professions are very dangerous, and I feel the state needs to provide the people of this state with the necessary protection to ensure their safety and well-being. State regulation is important in providing consumers with information about credentialed professionals.

Currently, 18 states have licensing laws that regulate the practice of marriage and family therapy. Twenty-two additional states are presently considering such legislation.

Clergy in our parishes are on the front-line for referring families for marriage and family therapy. They need to have information about quality referrals. They need to know that persons who advertise themselves as marriage and family therapists do, in fact, have the training, experience, and clinical supervision they claim. The State of Alaska is the only public agency that can provide such through licensing and regulation, as it does in the case of clinical social workers, psychiatrists, clinical psychologists, psychiatric nurses, etc.

I urge you to consider and enact legislation into law that will license and regulate the field of marriage and family therapy in order to protect the people of Alaska and to promote standards of excellence across the entire field of mental health providers in our state.

Yours in Christ,

George C. Harris

George C. Harris

*Dictated by the bishop but signed in his absence.



Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name
committee on HB 18, dated March 11, 1991
bill/subject



*A Family Worship Center
Garry L. Oliver, Pastor*

Community Baptist Church

216 Mill Bay Road Box 887
Kodiak, Alaska 99615
Church Phone 486-3458
Parsonage 486-5355

March 7, 1991

I appreciate the opportunity to express my opinion on HB18 to the Judiciary Committee. Thank you. As a pastoral counselor and Clinical Member in the American Association for Marriage and Family Therapy I have some very high expectations of those who call themselves "marriage counselors" or "family counselors." There ought to be a standardization of criteria used to recognize these people as there is of others in most health professions. Unfortunately there are many who call themselves by the title "marriage and family therapist (counselor)" who understand little of the issues involved in working with couples or whole families. It is "an entirely different ball game" when working with two or more people in relationship than with an individual person by themselves in counseling or therapy.

I am personally concerned with the kind of services some people have received that I have encountered. I believe that they might have had more helpful therapy (counseling) had their therapist (counselor) been trained specifically in the mindset and methodology consistent with the modern marriage and family therapy movement. Some marriages and relationships might have been helped to survive. And some might have been helped through the transition of separation and divorce more healthfully than they were, in my opinion. Very well-meaning folks trained only in doing individual therapy (counseling) were unable to see some of the real issues involved. Had they been trained in "systems theory", for example, they might have helped the couples and families avert the disastrous consequences which occurred.

Please understand that I am not suggesting that only American Association for Marriage and Family Therapy members are qualified. I do not believe that! There are many, many qualified persons who do not belong to AAMFT in mental health centers, in private practice, or other places of doing therapy. My personal experience is that there are some extremely qualified clergy who do excellent work with couples and families because they have had adequate training and experience, as well as a "feel" for this very unique discipline. Marriage and family therapy (counseling) is a singular discipline, and ought to be considered such by professionals, insurance companies, consumers and state and federal agencies that provide funding for such.

page two

I heartily endorse the passage of HB18. I think that this is an adequate approach to the licensing of people in Alaska for this discipline. It is not perfect, but which bill ever has been perfect? It would certainly help the consumers of marriage and family therapy (counseling) services immensely. Helping the consumers select qualified therapists (counselors) is my primary concern. All other concerns are way down the list of importance to me.

Thanks for listening.

Signed: With sincere appreciation,



Garry L. Oliver (Pastor, AAMFT Clinical Member)

216 Mill Bay Rd., Box 887 - Kodiak 99615

Address

(907) 486-5355

Phone No.

To: Representatives: Donley
Gruenberg
Ellis (Chair)
Parnell
Martin
Miller
Handley

Please pass HB 18 regulating and providing licensure for marital and family counselors. This legislation is important for the protection of Alaskan families.

We urge you to pass this bill as is.

Thank You.

Maureen Christensen
Maureen Christensen M. Ed.

Linda Hunstiger
Linda Hunstiger MSW

Martha White
Martha White MSW LCSW

MAR 07 '91 13:31 DR. CASSELL

P.1

OFFICE PHONE (907) 562-2045
24-HOUR SERVICE

PRACTICE OF PSYCHIATRY

WILFRED A. CASSELL, M.D., F.A.P.A., A.P.C.
4045 LAKE OTIS PARKWAY, SUITE 101
ANCHORAGE, ALASKA 99508

REPRESENTATIVES;

Ellis
Donley
Gruenberg
Parnell
Martin
Miller
Handley

Please pass House Bill #18---AS IS

Licenses for Marital and Family therapists, which ensures
protection for consumers.

This bill is approved by the Alaska Psychological Association
as well as the Alaska Social Workers Association.

Thanks



W.A. Cassell M. D.

firm had not yet accepted her case and that only raw facts, not legal points, were discussed. *Amer. Nat. Watermattress Corp. v. Manville*, Op. No. 2477, 642 P2d 1330 (Alaska 1982).

In drunk driving prosecution in which the defendant had an independent blood test performed, by hospital personnel at his request to verify the accuracy of the police intoximeter examination, admission of expert testimony regarding the blood test did not violate the attorney-client privilege, since no lawyer participated in defendant's decision to take the blood test, nor did it violate the physician-patient privilege, since the physician-patient privilege does not apply in criminal cases. *Russel v. Municipality of Anchorage*, Op. No. 614, 706 P2d 687 (Alaska App. 1985).

Statements made by an insured to an insurer are not protected by the attorney-client privilege unless it can be shown that the insurer, in receiving such communications, was acting at the express direction of counsel for the insured. *Langdon v. Champion*, Op. No. 3291, 752 P2d 999 (Alaska 1988).

While the attorney-client privilege protects communications regarding acts which the client may have committed prior to seeking representation, it will not protect communications which pertain to ongoing or future wrongdoing. *Munn v. Bristol Bay Housing Authority*, Op. No. 3458, 777 P2d 188 (Alaska 1989).

An attorney for a party is no more entitled to withhold information than any other potential witness, and may be required to testify at a deposition or trial as to material, nonprivileged matters. *Munn v. Bristol Bay Housing Authority*, Op. No. 3458, 777 P2d 188 (Alaska 1989).

Plaintiff would be entitled to depose defendant's attorney if plaintiff could present a prima facie case that defendant consulted the attorney for the purpose of interfering with plaintiff's employment relationship, since such conduct comes within the civil fraud exception to the attorney-client privilege; accordingly, trial court erred in quashing plaintiff's notice and subpoena for the taking of the deposition without considering whether he had made a prima facie showing that the information sought was not protected by the attorney-client privilege. *Munn v. Bristol Bay Housing Authority*, Op. No. 3458, 777 P2d 188 (Alaska 1989).

Rule 504. Physician and Psychotherapist-Patient Privilege.

(a) **Definitions.** As used in this rule:

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

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

(3) A psychotherapist is (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

(4) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of

the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist, including members of the patient's family.

(b) **General Rule of Privilege.** A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional conditions, including alcohol or drug addiction, among himself, his physician or psychotherapist, or persons who are participating in the diagnosis or treatment under the direction of the physician or psychotherapist, including members of the patient's family.

(c) **Who May Claim the Privilege.** The privilege may be claimed by the patient, by his guardian, guardian ad litem or conservator, or by the personal representative of a deceased patient. The person who was the physician or psychotherapist at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the patient.

(d) **Exceptions.** There is no privilege under this rule:

(1) **Condition an Element of Claim or Defense.** As to communications relevant to the physical, mental or emotional condition of the patient in any proceeding in which the condition of the patient is an element of the claim or defense of the patient, of any party claiming through or under the patient, of any person raising the patient's condition as an element of his own case, or of any person claiming as a beneficiary of the patient through a contract to which the patient is or was a party; or after the patient's death, in any proceeding in which any party puts the condition in issue.

(2) **Crime or Fraud.** If the services of the physician or psychotherapist were sought, obtained or used to enable or aid anyone to commit or plan a crime or fraud or to escape detection or apprehension after the commission of a crime or a fraud.

(3) **Breach of Duty Arising Out of Physician-Patient Relationship.** As to a communication relevant to an issue of breach, by the physician, or by the psychotherapist, or by the patient, of a duty arising out of the physician-patient or psychotherapist-patient relationship.

(4) **Proceedings for Hospitalization.** For communications relevant to an issue in proceedings to hospitalize the patient for physical, mental or emotional illness, if the physician or psychotherapist, in the course of diagnosis or treatment, has determined that the patient is in need of hospitalization.

(5) **Required Report.** As to information that the physician or psychotherapist or the patient is required to report to a public employee, or as to

... or persons who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist, including members of the patient's family.

Right of Privilege. A patient has a right to disclose and to prevent any disclosure of confidential communications for the purpose of diagnosis or treatment, physical, mental or emotional condition, including alcohol or drug addiction, by a physician or psychotherapist, or by a person participating in the diagnosis or treatment under the direction of the physician or psychotherapist, including members of the patient's family.

Who May Claim the Privilege. The privilege may be claimed by the patient, by his guardian, conservator, or by the personal representative of a deceased patient. The person claiming the privilege is presumed to have authority to do so but only on behalf of the patient.

There is no privilege under this rule if:

Element of Claim or Defense. The privilege does not apply to information relevant to the physical, mental, or emotional condition of the patient in any proceeding in which the condition of the patient is an element of the claim or defense of the patient, of the physician or psychotherapist, or of any person claiming as a party through a contract to or was a party; or after the proceeding in which any party issues.

If the services of the physician or psychotherapist were sought, obtained or planned by anyone to commit or plan a crime, to detect or apprehend a crime, or to prevent the commission of a crime or a fraud.

Arising Out of Physician-Patient Relationship. The privilege does not apply to a communication relating to the diagnosis or treatment of the patient, or to a duty arising out of the physician-patient or psychotherapist-patient relationship.

Waiver of Privilege. For communications made in proceedings to hospitalize a patient for physical, mental or emotional condition, or for diagnosis or treatment, the physician or psychotherapist, in the presence of the patient, has determined that hospitalization is necessary.

As to information that the physician or the patient is a public employee, or as to

EVIDENCE RULES

information required to be recorded in a public office, if such report or record is open to public inspection, or as to information or matters contained in or reasonably raised by a report submitted under AS 08.64.336, other than information that would establish the identity of a patient, unless the court finds that it is necessary to admit the identifying information in order to serve the interests of justice.

(6) **Examination by Order of Judge.** As to communications made in the course of an examination ordered by the court of the physical, mental or emotional condition of the patient, with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise. This exception does not apply where the examination is by order of the court upon the request of the lawyer for the defendant in a criminal proceeding in order to provide the lawyer with information needed so that he may advise the defendant whether to enter a plea based on insanity or to present a defense based on his mental or emotional condition.

(7) **Criminal Proceeding.** For physician-patient communications in a criminal proceeding. This exception does not apply to the psychotherapist-patient privilege.

(Added by SCO 364 effective August 1, 1979; amended by SCO 850 effective January 15, 1988)

Annotations

Cases

The state enactment of the child abuse reporting statute did not abrogate the psychotherapist/patient privilege in child abuse cases. *State v. R.H.*, Op. No. 375, 683 P2d 269 (Alaska App. 1984).

Child abuse reports are not open to the public and therefore are not within the exception to the psychotherapist/patient privilege for information required to be recorded in a public office and open to public inspection. *State v. R.H.*, Op. No. 375, 683 P2d 269 (Alaska App. 1984).

Where court-ordered psychiatric examination of defendant clearly pertained to a child protection proceeding, the exception to the psychotherapist/patient privilege for certain court-ordered examination did not apply to testimony before a grand jury investigating a criminal charge against defendant, since preparing evidence for the grand jury was not the purpose for which the psychiatric examination was ordered. *State v. R.H.*, Op. No. 375, 683 P2d 269 (Alaska App. 1984).

In drunk driving prosecution in which the defendant had an independent blood test performed by hospital personnel at his request to verify the accuracy of the police intoximeter examination, admission of expert testimony regarding the blood test did not violate the attorney-client privilege, since no lawyer participated in defendant's decision to take the blood test, nor did it violate the physician-patient privilege, since the physician-patient privilege does not apply in criminal cases. *Russell v. Municipality of Anchorage*, Op. No. 514, 706 P2d 687 (Alaska App. 1985).

Defense counsel in a personal injury action, may engage in informal ex parte interviews with a plaintiff's treating physician, but the physician cannot be compelled to submit to such interviews. *Langdon v. Champion*, Op. No. 3249, 745 P2d 1371 (Alaska 1987).

The psychotherapist-patient privilege is waived unless someone acts at trial to exercise the privilege. *Clifton v. State*, Op. No. 826, 758 P2d 1279 (Alaska App. 1988).

Rule 505. Husband-Wife Privileges.

(a) Spousal Immunity.

(1) **General Rule.** A husband shall not be examined for or against his wife, without his consent, nor a wife for or against her husband, without her consent.

(2) **Exceptions.** There is no privilege under this subdivision:

(A) In a civil proceeding brought by or on behalf of one spouse against the other spouse; or

(B) In a proceeding to commit or otherwise place his spouse, the property of his spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse; or

(C) In a proceeding brought by or on behalf of a spouse to establish his competence; or

(D) In a proceeding in which one spouse is charged with:

(i) A crime against the person or the property of the other spouse or of a child of either, whether such crime was committed before or during marriage.

(ii) Bigamy, incest, adultery, pimping, or prostitution.

(iii) A crime related to abandonment of a child or nonsupport of a spouse or child.

(iv) A crime prior to the marriage.

(E) In a proceeding involving custody of a child.

(F) Evidence derived from or related to a business relationship involving the spouses.

(b) Confidential Marital Communications.

(1) **General Rule.** Neither during the marriage nor afterwards shall either spouse be examined as to any confidential communications made by one spouse to the other during the marriage, without the consent of the other spouse.

(2) **Exceptions.** There is no privilege under this subdivision:

(A) If any of the exceptions under subdivision (a) (2) of this rule apply; or

(B) If the communication was made, in whole or in part, to enable or aid anyone to commit or plan to commit a crime or a fraud; or

(C) In a proceeding between a surviving spouse and a person who claims through the deceased spouse, regardless of whether such claim is by testate or intestate succession or by inter vivos transaction; or



Aaron 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
 Greg McCarthy, M.D.
 David Holladay, M.D.
 Martin Atrops, Ph.D.
 Karen A. Seelig, 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. Jodny, M.S.W., A.C.S.W.

March 5, 1991

Judiciary Committee
 Alaska State Legislature
 P.O. Box V
 Juneau, Alaska 99811

Dear Judiciary Committee:

We, at Langdon Clinic, support licensure for Marriage and Family Therapists and urge you to support HB 18. 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.

Sincerely,

Randall G. Jones, M.A.
 Vice President

RGJ/cs

 FAX TRANSMITTAL MEMO
 TO: Judiciary Committee
 DEPT: _____ FAX #: 465-2297
 FROM: Langdon Clinic PHONE: 561-1361
 CO: _____ FAX #: 561-8646
 Post-It® brand fax transmittal memo 7671

NO. OF PAGES
1

FISCAL NOTE

**STATE OF ALASKA
1991 LEGISLATIVE SESSION**

BILL NO. HB 18

Revision Date: February 6, 1991

Department Affected: Commerce & Economic Dvlp.

Title: Regulating the practice of marital and family therapy;....

BRU: Occupational Licensing

Component: Administration

Sponsor: Reps. Gruenberg and Carney

Requestor: House HESS

COMPONENT SERIAL NO.

0	3	5	6
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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	19.7	16.5	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	35.0	31.8	26.9	26.9	26.9	26.9

CAPITAL	0	0	0	0	0	0
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REVENUE	24.0	0	24.0	0	24.0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	11.0	31.8	2.9	26.9	2.9	26.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER GF/PR	24.0	0	24.0	0	24.0	0
TOTAL	35.0	31.8	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.) HB 18 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: Barbara Gabier, Licensing Supervisor

Phone: 465-3262

Division: Occupational Licensing

Date: February 6, 1991

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development

Date: February 6, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION OF FISCAL NOTE ANALYSIS - HB 18

This fiscal note represents the cost of licensing marital and family therapists with a five-member board and an estimate of 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: \$ 19.7

In FY 92, this funding will provide for 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.

In FY 93, funding provides for three board meetings and travel to administer the licensing examination in various locations throughout the State. (\$16.5)

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: \$ 35.0

REVENUE:

The revenues are based on 40 practitioners paying a licensing fee of \$300 per year. Because licenses are issued on a biennial cycle, revenues are doubled every other year. As indicated, 40 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."

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 18

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 Title: Regulating the practice of BRU: Occupational Licensing
marital and family therapy; Component: Administration
 Sponsor: Reps. Gruenberg and Carney
 Requestor: House HESS COMPONENT SERIAL NO.

0	3	5	6
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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	19.7	16.5	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	35.0	31.8	26.9	26.9	26.9	26.9

CAPITAL	0	0	0	0	0	0
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REVENUE	12.0	0	12.0	0	12.0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	23.0	31.8	14.9	26.9	14.9	26.9
FEDERAL FUNDS	0	0	0	0	0	0
OTHER GF/PR	12.0	0	12.0	0	12.0	0
TOTAL	35.0	31.8	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.) HB 18 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, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: February 1, 1991
 Approved by Commissioner: Glenn A. Olds
 Agency: Department of Commerce & Economic Development Date: February 1, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION OF FISCAL NOTE ANALYSIS - HB 18

This fiscal note represents the cost of licensing marital and family therapists with a five-member board and an estimate of 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: \$ 19.7

In FY 92, this funding will provide for 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.

In FY 93, funding provides for three board meetings and travel to administer the licensing examination in various locations throughout the State. (\$16.5)

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: \$ 35.0

REVENUE:

The revenues are based on 40 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, 40 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."

**THE FOLLOWING PAGES
WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**

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 Dave Donley, Chair
House Judiciary Committee

FROM: Senator Drue Pearce *Drue Pearce*

DATE: May 2, 1991

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

Please consider waiving CSSB 40 (FIN), An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3), from your committee.

Your committee heard the House companion bill, HB 18, sponsored by Representative Gruenberg, in March. You adopted a number of amendments which have been adopted in the Senate version. Attached are amendments that the Senate version adopted but the House did not.

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 (FIN) 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 (FIN) be passed this session.

Due to the lateness in the session, I urge you to consider waiving CSSB 40 (FIN) from your committee.

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

Thank you.

DP:tej

Attachments

*WAIVED
to Finance*

see pg 2 + 3

CS FOR HOUSE BILL NO. 18 (FINANCE)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE FINANCE COMMITTEE

**Offered: 4/17/91
Referred: Today's Calendar**

Sponsor(s): REPRESENTATIVES GRUENBERG, M.A. Miller, Carney

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) courses in marital and family therapy;
3 (ii) courses in marital and family studies;
4 (iii) courses in human development;
5 (iv) a course in professional studies or professional ethics and law;
6 (v) a course in research; and
7 (vi) one year of supervised clinical practice in marital and family
8 therapy;

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

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

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

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

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

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

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

26 (d) A license issued under this section shall be renewed biennially by the applicant on
27 a date set by the department and approved by the board. It shall be renewed by payment of the
28 fee established under AS 08.01.065 and by satisfaction of the continuing education requirements
29 established by the board for the renewal of licenses issued under this section.

30 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board shall issue
31 a four-year license for the supervised practice of marital and family therapy to a person who

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

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

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

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

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

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

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

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

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

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

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

18 (2) be licensed under this chapter; and

19 (3) meet the minimum standards established by the board for approved
20 supervisors.

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

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

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

31 Sec. 08.63.140. LICENSURE BY CREDENTIALS. The board shall issue a license to

1 practice marital and family therapy to a person who

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

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

6 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

19 (b) Notwithstanding (a) of this section, a person licensed under this chapter shall report
20 incidents of child abuse or neglect as required by AS 47.17.

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

23 Sec. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS.
24 After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person
25 licensed under this chapter when the board finds that the person

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

27 (2) engaged in deceit, fraud, or intentional misrepresentation in the course of
28 providing professional services or engaging in professional activities;

29 (3) advertised professional services in a false or misleading manner;

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

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

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

4 (A) professional incompetence;

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

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

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

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

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

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

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

25 (4) "department" means the Department of Commerce and Economic
26 Development;

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

31 (A) the professional application of assessments and treatments of

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

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

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

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

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

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

13 (a) An acupuncturist licensed under AS 08.06, an audiologist licensed under AS 08.11,
14 a person licensed in the state as a chiropractor under AS 08.20, a dentist under AS 08.36, a
15 marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath
16 under AS 08.64, a registered nurse under AS 08.68, an optometrist under AS 08.72, a registered
17 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under
18 AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95,
19 shall use as professional identification appropriate letters or a title after that person's name which
20 represents that person's specific field of practice. The letters or title shall appear on all signs,
21 stationery, or other advertising in which the person offers or displays personal professional
22 services to the public. In addition, a person engaged in the practice of medicine or osteopathy
23 under AS 08.64.380 or a person engaged in any manner in the healing arts who diagnoses, treats,
24 tests, or counsels other persons in relation to human health or disease and uses the letters "M.D."
25 or the title "doctor" or "physician" or another title that tends to show that the person is willing
26 or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by
27 adding the appropriate specialist designation, if any, such as "dermatologist", "radiologist",
28 "audiologist", "naturopath", or the like.

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

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

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

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

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

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

10 * Sec. 7. Alaska Rule of Evidence 504(a) is amended to read:

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

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

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

16 (3) A psychotherapist is (A) a person authorized to practice medicine in any state
17 or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or
18 treatment of a mental or emotional condition, including alcohol or drug addiction, [OR] (B) a
19 person licensed or certified as a psychologist or psychological examiner under the laws of any
20 state or nation or reasonably believed by the patient to so be, while similarly engaged, or (C) a
21 person licensed as a marital or family therapist under the laws of a state or nation or
22 reasonably believed by the patient to so be, while similarly engaged.

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

28 * Sec. 8. INITIAL APPOINTMENTS. (a) In making the initial appointments of professional
29 members to the Board of Marital and Family Therapy, the governor shall consider a person licensed for
30 the purpose of AS 08.63.010, added by sec. 1 of this Act, if the person would be entitled to a license
31 under sec. 9 of this Act. The Board of Marital and Family Therapy shall issue a license to practice

1 marital and family therapy to the professional members appointed under this section.

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

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

5 * Sec. 9. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100, added by sec. 1 of
6 this Act, the Board of Marital and Family Therapy shall issue a license to practice marital and family
7 therapy to a person who

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

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

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

12 (A) marital and family therapy or another mental health field as defined in
13 AS 08.63.100(b); or

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

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

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

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

*Changes made on pages 3, 5, 6, 8, & 9.
These are changes made from House Finance
version of HB 18.*

CS FOR SENATE BILL NO. 40 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/17/91

Referred: Rules

Sponsor(s): SENATORS PEARCE, Menard

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 another allied mental health or the equivalent field from a regionally accredited educational institution approved by
31 the board for which the person completed a course of study that included instruction

H. Jud.
see (b)
on p. 3.

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] in 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 family therapist
24 in this state is guilty of a class B misdemeanor.

25 Sec. 08.63.900. DEFINITIONS. In this chapter, unless the context indicates otherwise,
This will be added back in 128 [Parsons Amendment]
(1) "advertise" includes issuing or causing to be distributed a card, sign or device
to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure,
or in a newspaper, magazine, or directory, or on radio or television, or using other means
designed to secure public attention;

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

(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;

*added in
Don For
added as reporter
under elder
abuse law.*

*disabled abuse
reporting stat
added in Sen Finance.*

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- (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.

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

Accepted

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;

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

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 03.63;
- (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"

Article 1. Protection of the Elderly.

Section

- 10. Reports of harm
- 20. Action on reports
- 30. Protective services
- 40. Review and referral
- 50. Confidentiality of reports

Section

- 60. Authority of the department
- 70. Regulations
- 75. Quarterly report
- 100. Definitions

Cross references. — For statement of legislative purpose in enacting AS 47.24.010 — 47.24.100, see § 1, ch. 36, SLA 1983, in the Temporary and Special Acts.

Sec. 47.24.010. Reports of harm. (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);
- (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.

(b) A report of harm made under this section may include the name and address of the person reporting the harm and shall include

- (1) the name and address of the elderly person;
- (2) information relating to the nature and extent of the harm;
- (3) other information that the person reporting the harm believes might be helpful in an investigation of the case or in providing protection for the elderly person.

(c) A person who fails to comply with this section is guilty of a violation as defined in AS 11.81.900(b).

(d) This section does not prohibit a person listed in (a) of this section from reporting cases of economic or physical harm to an elderly person that have come to the person's attention in a nonprofessional capacity. This section does not prohibit any other person from reporting economic harm to an elderly person that the person has reasonable cause to believe is a result of theft, fraud, or coercion by a caretaker of the elderly person, or physical harm to an elderly person that the person has reasonable cause to believe is a result of abuse, neglect, or abandonment.

(e) If immediate action is necessary to protect the elderly person from imminent harm, the person shall make the report of harm to a police officer or a village public safety officer. The police officer or village public safety officer shall take immediate action to protect the elderly person and shall, at the earliest opportunity, notify the department.

(f) A person who, in good faith makes a report of economic or physical harm to an elderly person under AS 47.24.010 — 47.24.100, or who participates in judicial proceedings related to the submission of reports under AS 47.24.010 — 47.24.100, is immune from any civil or criminal liability that might otherwise be incurred or imposed.

(g) Failure to make a report under subsections (a) and (d) of this section is not the basis of civil liability unless otherwise provided by law.

(h) If a person makes a good faith report of harm under this section, an employer or supervisor of the person, or a public or private agency or entity that provides benefits, services, or housing to the person, may not discharge, demote, transfer, reduce the pay or benefits or work privileges of, prepare a negative work performance evaluation of, deny or withhold benefits or services, evict, or take other detrimental action against the person because of the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer, supervisor, agency, or entity that violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action was retaliatory if it was taken within 90 days after the report of harm was made. (§ 2 ch 36 SLA 1983; am § 4 ch 108 SLA 1988)

Effect of amendments. — The 1988 amendment added subsection (h).

Sec. 47.24.020. Action on reports. (a) Upon receiving a report of harm, the department shall promptly initiate an investigation to determine the economic or physical condition of the elderly person named in the report and whether action or services are needed for the protection of the elderly person. The department shall personally interview the elderly person during the investigation unless the elderly

(5) "economic harm" means intentional economic exploitation of an elderly person resulting from theft, fraud, or coercion by a caretaker of the elderly person;

(6) "elderly person" means a resident of Alaska who is 65 years of age or older;

(7) "harm" means physical harm or economic harm;

(8) "incapacitated" means a person's ability to receive and evaluate information or to communicate decisions is impaired for reasons other than minority to the extent that the person lacks the ability to obtain the essential requirements for physical health or safety without court-ordered assistance;

(9) "neglect" means the failure by the caretaker of an elderly person to provide services necessary to maintain the physical and mental health of the elderly person;

(10) "physical harm" means injury to the person of an elderly person resulting from abuse, neglect or abandonment;

(11) "police officer" has the meaning given in AS 18.65.290;

(12) "protective services" means services intended to prevent or alleviate harm resulting from abuse, neglect, exploitation, or abandonment. (§ 2 ch 36 SLA 1983)

Article 2. Protection of Disabled Adults.

Section

110. Reports of physical or sexual assault

120. Immunity from liability; retaliation prohibited

Sec. 47.24.110. Reports of physical or sexual assault. (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;
- (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.

(b) A person who knowingly fails or refuses to make a report required under (a) of this section is guilty of a class B misdemeanor.

(c) In this section, "disabled adult" means a person 18 years of age or older who has a physical or mental disability, or physical or mental impairment, as defined in AS 18.80.300. (§ 3 ch 42 SLA 1988)

Sec. 47.24.120. Immunity from liability; retaliation prohibited. (a) A person who in good faith makes a report under AS 47.24.110, regardless of whether the person is required to do so, is immune from civil or criminal liability that might otherwise be incurred or imposed for making the report.

(b) An employer or supervisor of a person who in good faith makes a report under AS 47.24.110 may not discharge, demote, transfer, reduce pay or benefits or work privileges of, prepare a negative work performance evaluation of, or take other detrimental action against the person because the person made the report. The person making the report may bring a civil action for compensatory and punitive damages against an employer or supervisor who violates this subsection. In the civil action there is a rebuttable presumption that the detrimental action by the employer or supervisor was retaliatory if it was taken within 90 days after the report was made. (§ 3 ch 42 SLA 1988)

Chapter 25. Public Assistance.

Article

1. General Relief Assistance (§§ 47.25.120 — 47.25.300)
2. Aid to Families with Dependent Children Act (§§ 47.25.310 — 47.25.420)
3. Job Opportunity and Basic Skills Program (JOBS) (§§ 47.25.421 — 47.25.429)
4. Adult Public Assistance (§§ 47.25.430 — 47.25.615)
5. Food Stamp Program (§§ 47.25.975 — 47.25.990)

Secs.

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STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSSB 40 (HES)

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 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
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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
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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

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

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.

Alaska State Legislature

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

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



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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.

Senator Jalmar Kerttula
Co-Chair
Senate Finance

Senator Pat Pourchot
Co-Chair
Senate Finance

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WERE TREATED AS A UNIT
IN THE ORIGINAL FILE**