

HB

18

SENATE FINANCE COMMITTEE REPORT

DATE: 5/8/92

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered 2d CS FOR HOUSE BILL NO. 18 (RULES)

"An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

- zero** fiscal notes _____
- fiscal notes _____
- appropriation**--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

- zero** fiscal notes _____
- fiscal notes _____

DO PASS:

OTHER RECOMMENDATIONS:

1. _____
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.
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M E M O R A N D U M

DATE: March 8, 1992

TO: Senator Pat Pourchot
Co-chair, Senate Finance Committee

FROM: Representative Max Gruenberg *Max*

RE: Scheduling SCS for 2d CSHB 18 (2d L&C), "The
Licensing of Marital and Family Therapists Bill."

I would very much appreciate it if you would schedule SCS for 2d CSHB 18 (L&C), for a hearing as soon as it is possible.

SCS for 2d CSHB 18 (L&C) will protect the public by providing standards and regulation for those who wish to become licensed marital and family therapy practitioners in this state.

The Marital and Family provisions in this new draft of HB 18 are exactly the same as the version of SB 40 which passed the legislature and was vetoed last year. The Governor's Office now supports this legislation.

The House Hess Committee amended the bill by broadening the title. The House Rules added a provision to delete an impractical requirement in the acupuncturist licence renewal statute. The Senate Labor and Commerce Committee added provisions to extend the Board of Clinical Social Workers and to allow for the assessment of civil fines in certain cases involving the illegal, unlicensed practice of architecture, engineering and land surveying.

This bill will have no negative fiscal impact.

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

Thank you very much.

HB18.TXT\MTH

Senate CS for 2nd CS for HB 18:

"An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(9); and providing for an effective date."

The department strongly supports passage of this act. This omnibus bill offers several provisions which protect the public's health, safety, and welfare and/or enhance the department's ability to regulate the professions licensed under Title 08.

Sections 1, 2, 3, 6, 10, 11, 12, and 13 establish a Board of Marital Therapy, a sunset date, requirements for licensure, and grounds for discipline. This fills a need for those who prefer using a marital and family therapist instead of a psychiatrist or psychologist but who could not afford treatment if it were not covered by insurance. (Insurance companies do not cover unlicensed therapy.) Without licensure, the public would have a difficult time in determining their therapist's level of expertise or training. This act provides for confidentiality of communication, a much needed feature.

Section 4 extends the Board of Clinical Social Work Examiners, preventing the sunset of this needed board.

Section 5 provides for the extension of the Board of Psychologist and Psychological Associate Examiners, preventing the sunset of this needed board.

Section 7 amends the acupuncture statutes to prevent an injustice to those already licensed but who would not be able to renew unless they have received a designation from a specific trade association. Licensees and the department have experienced difficulty in communicating with this association. The department will consider if continuing education is required and establish standards by regulation.

Section 8 provides for a civil penalty for unregistered or unauthorized practice of architecture, engineering or land surveying. There are currently criminal penalties but crowded court calendars and overloaded assistant district attorneys have resulted in a spotty record of enforcement. This section would allow state investigators to issue citations and impose a fine which should be a strong deterrent.

Section 9 increases the amount of education needed to apply for the psychological associate exam to conform to national trend of changing standards.

Section 14 adds marriage and family therapists to the list of occupations whose communications with patients are considered to be confidential. This is crucial to patient recovery as without the protection patients are tempted to hold back on full disclosure to their therapist.

POSITION PAPER
Senate CS for 2nd CS for HB 18
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Section 15 defines qualifications for the initial board members.

Section 16 provides for transitional licensing.

Section 17 exempts this act from AS 44.66.050(e) allowing for more than one board to be extended in the same bill. Separate bills were not introduced at the beginning of session, pending the recommendations of the Task Force on Boards and Commissions.

Section 18 provides for an immediate effective date.

Glenn A. Olds for Asst Comm

Glenn A. Olds, Commissioner
Date: 5/8/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(3); BRU: Occupational Licensing
 Component: Administration
 Sponsor: Reps. Gruenberg, et al
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	3.8	3.8	3.8	3.8	3.8	3.8
TRAVEL	9.8	9.8	7.4	7.4	7.4	7.4
CONTRACTUAL	10.9	10.9	10.9	10.9	10.9	10.9
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	25.5	25.5	23.1	23.1	23.1	23.1

CAPITAL						
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REVENUE	51.0		46.2		46.2	
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - GF/PR	25.5	25.5	23.1	23.1	23.1	23.1
TOTAL	25.5	25.5	23.1	23.1	23.1	23.1

POSITIONS:

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in CSHB 18 & LC reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

5-9-92 date Comte Aide (initial) _____

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

The bill establishes a five-member Board of Marital and Family Therapy for one year to establish examination, training and education requirements for entry into the profession, and to license qualified individuals. The bill also make amendments to other licensing programs as explained on the attached page.

Prepared By: Jennifer Strickler Phone: 465-2144
 Division: Occupational Licensing Date: 05/08/92
 Approved by Commissioner: Glenn A. Onda
 Agency: Commerce & Economic Development Date: 5/8/92

Continuation of Fiscal Note Analysis

For Bill No: SCS 2nd CSHB 18(L&C)

This fiscal note represents the cost of licensing marital and family therapists with a five-member board, and based on an estimated 40 practitioners who would seek and qualify for licensure. Program costs are based on the number of licensees and statutory requirements in the bill. The following is an explanation of program-related cost:

PERSONAL SERVICES \$ 3.8

To provide administrative staff support.

TRAVEL \$ 9.8

In FY 93, this funding will provide 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. This funding will also provide for administration of licensing examinations in various locations.

(This cost is lower than the amount shown on previous fiscal notes as a result of changes in State per diem policies, mainly that travellers are now entitled only to a prorated per diem on the first and last day of travel.)

Because of the newness of the licensing program, the FY 94 funding continues to provide for two board meetings if needed, and travel to administer licensing examinations.

In FY 95 forward, the licensing program will have been in operation for two years, and therefore require fewer meetings to conduct its business, providing the board is still in existence. This funding will also provide travel to administer the licensing examination in various locations (\$7.4).

CONTRACTUAL \$ 10.9

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

SUPPLIES

\$ 1.0

Funding will provide standard office supplies.

TOTAL: \$ 25.5

REVENUE

Since the estimated number of practitioners are small (40 individuals), licensing fees will be high if this program is expected to entirely fund its activities with general fund/program receipts. The division will work with supporters of the program to ensure licensing fees support entire costs of this program. Licenses are issued for a two-year period and therefore, revenues are shown every other year. Because of the staggered renewal cycle of all licensing programs, costs incurred in a non-renewal year will be covered by occupations renewing in that year. Likewise, revenues generated by this program during a renewal year will do the same for other licensing programs not renewing that year. The main objective is to ensure that fees collected from this program is sufficient to cover the average program costs.

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."

OTHER SECTIONS

Section 4 of the bill extends the Board of Clinical Social Workers to June 30, 1995. New funds are not needed to extend this board since funding is included in the FY 93 operating budget request.

Section 5 of the bill extends the Board of Psychologist and Psychological Associate Examiners to June 30, 1993. New funds are not needed to extend this board since funding is included in the FY 93 operating budget request.

Section 7 amends the acupuncture statutes to prevent an injustice to those already licensed but who would not be able to renew unless they have received a designation from a specific trade association. New funds are not required to implement this provision.

Section 8 provides for civil penalty for unregistered or unauthorized practice of architecture, engineering or land surveying. The possibility exists that this provision may even generate revenues to the general fund by way of assessing fines.

Under this provision, state investigators would have the authority to issue citations and impose a fine without seeking criminal penalties through the court system. This provision may impose hearing costs upon the division, however, any hearing costs could be offset by assessed fines.

Section 9 increases the amount of education hours need to apply for the psychological associate examination. New funds are not needed to implement this provision.