

**SB 440**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/27/91

FURTHER:

DATE TURNED INTO OFFICE: 4/17/91

The Finance Committee considered SENATE BILL NO. 40

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

and recommended:

replace with \_\_\_\_\_ CS SB 40 (FINANCE)  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_  
 attached amendment(s)  
 FINANCE letter of intent adopted

same title  
 new title  
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

**ATTACHES NEW FISCAL NOTE(S):**

fiscal note(s) DCHED 4/15/91  
28.0 LE/PR

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

**SIGNING DO PASS:**

[Signature]  
[Signature]  
[Signature]  
[Signature]  
1. [Signature]

**APPROVES PREVIOUS:**

fiscal note(s) \_\_\_\_\_ Dept/Date:

zero fiscal note(s) \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

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2. \_\_\_\_\_

# 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



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

907-465-3712

## 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.

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Senator Jalmar Kerttula  
Co-Chair  
Senate Finance

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Senator Pat Pourchot  
Co-Chair  
Senate Finance

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. 

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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						
<b>TOTAL OPERATING</b>	<b>28.0</b>	<b>28.0</b>	<b>26.9</b>	<b>26.9</b>	<b>26.9</b>	<b>26.9</b>

CAPITAL						
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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
<b>TOTAL</b>	<b>28.0</b>	<b>28.0</b>	<b>26.9</b>	<b>26.9</b>	<b>26.9</b>	<b>26.9</b>

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) CSSB 40 (HES) establishes a five-member Board of Marital and Family Therapy to establish examination, training and education requirements for entry into the profession, and to issue licenses to qualified individuals. Information on file indicates there are approximately 40 practitioners who would be affected by this legislation upon passage.

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

Division: Occupational Licensing Date: April 15, 1991

Approved by Commissioner: Glenn A. Olds

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

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

4/17/91  
date Comte Aide (initial)

CONTINUATION OF FISCAL NOTE ANALYSIS - CSSB 40 (HES)

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

Personal Services: \$ 3.6

To provide administrative staff support.

Travel: \$ 12.7

In FY 92, this funding will provide for two face-to-face meetings (one in Anchorage and one in Juneau), assuming two members are from the Anchorage area, two from Juneau, one from Fairbanks; and three division staff (Director, Licensing Examiner, and Regulations Specialist) to attend each meeting; and two additional meetings to be held by teleconference.

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

In FY 94 forward, the licensing program will have been in operation for two years, and therefore, require fewer meetings to conduct its business. The number of board meetings is reduced to two meetings each year. This funding also provides for travel to administer the licensing examination in various locations. (\$11.6)

Contractual: \$ 10.7

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

Supplies: \$ 1.0

Funding will provide standard office supplies.

Grand Total: \$ 28.0

REVENUE:

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

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

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:  
Referred:

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

1 substantially equivalent to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) be licensed under this chapter; and

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

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

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

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

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

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

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

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

11 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

- 3 (1) secured a license through deceit, fraud, or intentional misrepresentation;
- 4 (2) engaged in deceit, fraud, or intentional misrepresentation in the course of  
5 providing professional services or engaging in professional activities;
- 6 (3) advertised professional services in a false or misleading manner;
- 7 (4) has been convicted of a felony or of another crime that affects the person's  
8 ability to practice competently and safely;
- 9 (5) failed to comply with a provision of this chapter or a regulation adopted under  
10 this chapter, or an order of the board;
- 11 (6) continued to practice after becoming unfit due to  
12 (A) professional incompetence;  
13 (B) addiction or severe dependency on alcohol or another drug that impairs  
14 the person's ability to practice safely;
- 15 (7) engaged in unethical conduct in connection with the delivery of professional  
16 services to clients.

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

- 26 (1) "advertise" includes issuing or causing to be distributed a card, sign or device  
27 to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure,  
28 or in a newspaper, magazine, or directory, or on radio or television, or using other means  
29 designed to secure public attention;
- 30 (2) "board" means the Board of Marital and Family Therapy;
- 31 (3) "course" means a class of at least three credit hours in a graduate program at

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (3) a pharmacist;

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

28 (5) a guardian or conservator;

29 (6) a police officer;

30 (7) a village public safety officer;

31 (8) a village health aide;

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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;
- (?) 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.

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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.



FROM THE  
SENATE FINANCE COMMITTEE

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DATE: 4/11/91  
TO: Lynn Barnes  
Legal Services  
FROM: Vicki (4935)  
SFC Room, 5th Floor  
(by US Flag)  
RE: CSB 40 (Finance)

Please run a WORK DRAFT of the above-referenced legislation, incorporating the amendments as noted, and deliver to me ASAP.

This legislation will be heard again tomorrow morning.

THANK!

*The 6 amendments are to the  
CS(HES), attached.*

*HAND DELIVERED - 12<sup>30</sup> P*

*Rec'd draft - 3<sup>40</sup>  
(handed to Susie)*

4/11/91  
ADOPTED  
By SFC  
[Signature]

# 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: Senator Pat Pourchot, Co-Chair  
Senate Finance Committee

FROM: Senator Drue Pearce *DP by JCA*

DATE: April 10, 1991

RE: CSSB 40 (HESS) Amendments

CSSB 40 (HESS), Regulating the practice of marital and family therapy, is on the Senate Finance Committee calendar for Thursday, April 11th. I would like to offer the following amendments to the committee:

TO: CSSB 40 (HESS)

Amendment #:

Page 2, line 11, Insert a new paragraph to read:

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

Reletter accordingly

Page 3, line 19: delete "and"

Page 3, line 20, Insert a new subparagraph to read:

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

Reletter accordingly.

Explanation: Amendment # requires the board to confirm that licensees are aware of the requirements of the child reporting procedures of AS 47.17.020. This amendment would also require the licensee to have past training in domestic violence.

This concern was brought forth by Cindy Smith, Executive Director of Alaska Network on Domestic Violence and Sexual Assault when she testified on HB 18. HB 18 contains this amendment. Their concern was marital and family therapists counsel people in family crisis. It is important that these counselors be trained to be aware that domestic violence is occurring within the family unit.

Amendment ~~2~~:

Page 2, line 29, Delete the words

"another mental health field, or the equivalent,"

Page 2, line 29, Insert preceding the word "from"

"or allied mental health field"

Page 3, line 22, Delete after the word "therapy,

", another mental health field, or its equivalent,"

Page 3, line 22, Insert after the word "therapy"

"or allied mental health field"

Explanation: Amendment ~~2~~ was suggested by the American Association for Marriage and Family Therapy. (See attached letter). Senator Sturgulewski, Chair of the Senate HESS Committee, had asked me to follow through with this concern that was brought out in her committee.

This amendment would close a loop hole in the language by requiring the licensee to hold at a minimum a master's degree instead of "the equivalent" to a master's degree. The American AMFT felt the present language would allow the board to approve for licensing an applicant who had taken courses and workshops which the board felt were equivalent to the work of a master's degree.

If you have any questions, please don't hesitate to call me or Tally Johnson of my staff.

DP:tej

Attachment

cc: Senator Arliss Sturgulewski, Chair, Senate HESS Committee

+ Amendment # 4 - Regionally Accredited

4/11/91

~~REDACTED~~  
~~REDACTED~~

~~REDACTED~~

OFFERED IN THE SENATE FINANCE COMMITTEE

BY SENATOR PEARCE  
4/11/91

TO: CSSB 40 (HESS)

Page 2, line 29, Insert after the words "from an"  
"regionally"

Page 3, line 22, Insert after the words "from an"  
"regionally accredited"

4/11/91

7-LS0180D.1  
Luckhaupt  
04/09/91

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(FIES)

BY SENATOR ADAMS  
B

Page 8, following line 12:

Insert new bill sections to read:

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

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

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

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

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

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

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

Renumber the following bill sections accordingly.


Page 9, line 3:

Delete "sec. 9"

Insert "sec. 11"

OFFERED BY SENATOR PEARCE

4/17/91



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.

7-LS0180G ✓  
Luckhaupt  
4/11/91

*Adopted by*  
*SFC*  
*4-17-92*

**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:  
Referred:

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 MENTAL HEALTH FIELD OR THE EQUIVALENT 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

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substantially equivalent to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EQUIVALENT,

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 in this state or who in any way, orally or in writing,  
23 directly or by implication, knowingly holds out as being licensed 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,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (3) a pharmacist;

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

28 (5) a guardian or conservator;

29 (6) a police officer;

30 (7) a village public safety officer;

31 (8) a village health aide;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# 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: Senator Pat Pourchot, Co-Chair  
Senate Finance Committee

FROM: Senator Drue Pearce *Drue Pearce*

DATE: April 11, 1991

RE: CSSB 40 (HESS), Practice of Marital and Family Therapy

CSSB 40 (HESS) would establish 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. The Division of Occupational Licensing estimates that there are 40 practitioners who would qualify for licensure.

A family or couple who are referred for therapy are often in crisis and maybe extremely vulnerable to a therapist's guidance and influence. If not properly trained, a therapist could be a threat to at-risk individuals. Passage of this bill would be a step toward quality assurance for the public.

This bill will protect the public by providing standards and regulation for those who wish to become licensed marital and family therapy practitioners in the state.

If CSSB 40 (HESS) does not pass this session, the clients presently served by these practitioners will no longer qualify for public assistance reimbursement due to changes in the Medicaid regulations that require licensed providers.

It is important that CSSB 40 (HESS) be passed this session.

Thank you.

DP:tej

Amendments in your packet

From Senator Pearce  
4/11/91  
CSSB 40 (HESS)  
Senate Finance

With Amendment #3 and #4 the paragraph, Page 2, line 28, will read:

(B) holds a master's degree or doctorate in marital and family therapy, or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction substantially equivalent to the following: . . .

With Amendment #3 and #4 the paragraph, Page 3, line 21, will read:

(b) Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy, or allied mental health field from a regionally accredited educational institution approved by the board, but whose course of study did not include all the courses . . .

A M E M D M E N T

#1

OFFERED IN THE SENATE FINANCE COMMITTEE

BY SENATOR PEARCE

4/11/91

TO: CSSB 40 (HESS)

Page 2, following line 11, Insert a new paragraph to read:

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

Renumber accordingly.

A M E M D M E N T

#2

OFFERED IN THE SENATE FINANCE COMMITTEE

BY SENATOR PEARCE  
4/11/91

TO: CSSB 40 (HESS)

Page 3, line 19, DELETE

"and"

Page 3, line 20, Insert a new subparagraph to read:

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

Reletter accordingly.

A M E M D M E N T

#3

OFFERED IN THE SENATE FINANCE COMMITTEE

BY SENATOR PEARCE

4/11/91

TO: CSSB 40 (HESS)

Page 2, line 29, DELETE the words

"another mental health field, or the equivalent,"

Page 2, line 29, Insert before the word "from"

"or allied mental health field"

Page 3, line 22, DELETE after the word "therapy,"

"another mental health field, or its equivalent,"

Page 3, line 22, Insert after the word "therapy,"

"or allied mental health field"

4/11/91

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**Senator Drue Pearce**  
District G

## MEMORANDUM

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

FROM: Senator Drue Pearce *Drue Pearce*

DATE: March 27, 1991

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

Please consider scheduling CSSB 40 (HESS), An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3), for a hearing as soon as possible.

CSSB 40 (HESS) establishes a five-member Board of Marital and Family Therapy to establish examination, training and education requirements for entry into the profession, and to issue licenses to qualified individuals. By providing these standards the public would be protected.

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

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

DP:tej

Attachment

4/11/91

# American Association for Marriage and Family Therapy

April 9, 1991

Senator Drue Pearce  
Alaska State Legislature  
State Capitol  
Juneau, AK 99811

Dear Senator Pearce:

The American Association for Marriage and Family Therapy (AAMFT) is pleased to endorse S.B. 40, to provide for the regulation of marriage and family therapists in the state of Alaska. In enacting this legislation, Alaska will be consistent with the current trend across the United States to regulate this profession. In the last five years the number of states which enacted such regulation has doubled--going from 11 to 22. Further, it is anticipated that between 3 and 5 states may enact legislation similar to that in S.B. 40 in 1991. AAMFT appreciates and respects your leadership in this area.

As we discussed with one of your staff, Tally Johnson, we would recommend a slight wording change in Article 2, Section 08.63.100. Specifically, in Section (a), Subsection (3)(B), we would recommend that the language read, "holds a master's degree or doctorate in marital and family therapy from a regionally accredited educational institution approved by the board, or a master's or doctorate in a related field approved by the board for which the person completed a course of study that included instruction substantially equivalent to the following . . ." We believe that this language would be more consistent with language in statute in other states by requiring, minimally a master's degree, rather than "the equivalent" to a master's degree, which might be allowed by the current language.

Additionally, to be consistent in language throughout the bill, a change would also have to be made in Section (b). This language would then read, "Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy or a related field from a regionally accredited educational institution approved by the board, but whose course of study did not include all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B) of this section." This change would reflect the requirement of a minimum of a master's degree to qualify for regulation as a marriage and family

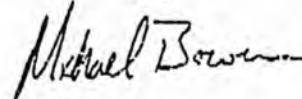
April 9, 1991  
page 2

therapist, rather than "the equivalent of a master's degree," as might be construed from current language.

Further, we recommended one other change which might require comment. In the language above we added the word "regionally" to define what accredited educational institutions could issue degrees. This language is consistent with almost all state laws which regulate mental health professionals, and requires that the universities or colleges which grant the degrees to meet standards for educational processes, library holdings, etc. While this change would still allow for some "alternative" training, it would require the institutions which issue qualifying degrees to meet standards which have been deemed appropriate for graduate level training.

Again, AAMFT is pleased to endorse and support S.B. 40. We will be glad to provide further assistance as needed or appropriate. We appreciate the opportunity to provide these comments to you.

Sincerely,



Michael Bowers, M.A.  
Associate Executive Director,  
Professional Practice

ALASKA/TXTJMB

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Version: SB 40  
Publish Date: 2/27/91

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. 

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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						
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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						
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
PART-TIME	0	0	0
TEMPORARY	0	0	0

Changes in CS SB 40 (HESS) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.  
21 MAR 91 MAE  
date Comte Aide (initial)

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) SB 40 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: March 4, 1991  
Approved by Commissioner: Glenn A. Olds  
Agency: Department of Commerce & Economic Development Date: 3-4-91

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

CONTINUATION OF FISCAL NOTE ANALYSIS - SB 40

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 Examiners, 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)

Constructual: \$ 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 licensing 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.