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ALASKA STATE LEGISLATURE  
HOUSE BILL NO. 18

HISTORY IN THE HOUSE

1991  
1/21 Read first time and referred to:  
HES Jud Fin

2/20 HES RPT CS(HES)  New Title  
4 DP  DNP  NR  AM  
 FN  OFN  Previous FN

3/13 Jud RPT CS(Jud)  New Title  
5 DP  DNP  NR  AM  
 FN  OFN  Previous FN

4/17 Fin RPT CS(Fin)  New Title  
9 DP  DNP 2 NR  AM  
 FN  OFN  Previous FN

4/19 returned to Rules  
4/17 Read second time  
CS(Fin) Adopted

Amended

4/17 file to Advance -  
Advanced

4/19 Read third time

1992  
2/19 Read third time again  
2/19 Referred to HES w/amendments  
2/19 Return to second for specific amendment

3/13 HES RPT CS(Ld HES)  New Title  
4 DP  DNP 1 NR  AM  
1 FN  OFN  Previous FN

4/16 RLS RPT CS(RLS)  New Title  
2 DP  DNP 5 NR  AM  
 FN  OFN 1 Previous FN

Read second time  
CS( ) Adopted

Amended

Advanced

4/28 Read third time

4/28 Return to second ~~for specific amendment~~  
to adopt 2nd RLS CS  
and Court RLS

4/28 PASSED EFD Same   
Yeas 36 Yeas  
Nays 8 Nays  
Excused 1 Excused  
Absent 3 Absent

HISTORY IN THE SENATE

1992  
4/28 Read first time and referred to:  
Jud Fin

RPT( ) CS DP NR DNP AM  
New Title Same Title Previous FN  
FN OFN To

RPT( ) CS DP NR DNP AM  
New Title Same Title Previous FN  
FN OFN To

RPT( ) CS DP NR DNP AM  
New Title Same Title Previous FN  
FN OFN To

Rules Calendar( ) CS AM Other  
New Title Same Title Previous FN  
FN OFN

Read second time

CS Adopted ( ) New Title  
Amended Advanced

Read third time

Letter of Intent adopted  
Return to second for specific amendment

PASSED EFD Same or  
Yeas Year  
Nays Nays  
Excused Excused  
Absent Absent

Reconsideration  
Reconsideration not taken up

PASSED EFD Same or  
Yeas Year  
Nays Nays  
Excused Excused  
Absent Absent

Reported correctly engrossed  
Signed by President, to the House

Secretary of the Senate

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 3  
Version: 2dCSHB 18(2dHES)  
Publish Date: 3-13-92

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  
Sponsor: Reps. Gruenberg, et al Component: Administration  
Requestor: House HES 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						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

2d CSHB 18(2d HES) 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 extends the Board of Psychology and Psychological Associates for one year and amends AS 08.86.162.

Prepared By: Jennifer Strickler Phone: 465-2144

Division: Occupational Licensing Date: 03/11/92

Approved by Commissioner: Glenn A. Olds

Agency: Commerce & Economic Development Date: 2-11-92

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

CONTINUATIO.. OF FISCAL NOTE ANALYSIS - d CSHB 1B(2d HES)

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 costs:

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. The number of board meetings is reduced to one meeting each year. 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.

Grand Total: \$ 25.5

REVENUE

no. 3  
2d CSHB 18 (2d Hrs)

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 08.01.063(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."

WALTER J. HICKEL  
GOVERNOR

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

*April 28, 1992*

*Paul Fuhs  
Legislative Liaison  
Office of the Governor  
Juneau, AK 99801-0001*

*Dear Paul,*

*This morning the Governor's Task Force on Boards and Commissions voted to recommend the establishment of a separate board for marital and family therapists.*

*The board must pay all of its expenses, including the overhead costs of services provided by the Division of Occupational Licensing. The sunset clause on the board should be either three or four years, in order to coincide with the sunset year of the Board of Psychologist and Psychological Associate Examiners and the Board of Clinical Social Work Examiners, should the legislature choose to combine these boards in the future.*

*Sincerely,*



*Tuckerman Babcock  
Chair  
Governor's Task Force on  
Boards and Commissions*

# 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.  
District 11  
Spennard, Upper Midtown Anchorage

P.O. Box V  
JUNEAU, AK 99811  
(907) 465-3718  
465-4968/4986  
(SESSION)

3111 C STREET, SUITE 440  
ANCHORAGE, AK 99503  
(907) 561-7621

## M E M O R A N D U M

DATE: April 30, 1992  
TO: Members of the Senate Labor and Commerce Committee  
FROM: Representative Max Gruenberg, *MM*  
RE: Support for 2d CSHB 18 (Rules), "The of Licensing of Marital and Family Therapists Bill."

I would very much appreciate your support for 2d CSHB 18 (Rules), "The Licensing of Marital and Family Therapists Bill".

2d CSHB 18 (Rules) 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, except that under this bill the Board of Marital and Family Therapists has been given a one year sunset date.

The House Hess Committee amended the bill to extend the Board of Psychologists for one year. The title of the bill has been broadened, and the House Rules added a provision to delete an impractical requirement in the acupuncturist licence renewal statutes.

The primary purpose for moving this new draft is to provide a vehicle for marital and family therapists to become licensed regardless of what is finally worked out regarding the extension or merger of other behavioral science boards.

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

Thank you very much.

HB18.SUP\MTH

*SPONSOR PACKED*

# State of Alaska

House Majority Leader

COMMITTEES

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SPECIAL COMMITTEE

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## M E M O R A N D U M

TO: Representative Max Gruenberg

FROM: Mark Handley *MCH*

DATE: April 24, 1992

RE: Sectional Analysis of CSHB 18 (Rules), "An Act relating to professional licensing and amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date."

Following is a sectional analysis of 2d CSHB 18 (Rules):

Sec. 1. Amends the acupuncturist renewal of licence statues to delete the requirement that applicants be certified by the National Council for Certification of Acupuncturists.

Sec. 2. 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 provides 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. 3. Adds the Board of Marital and Family Therapists to the list of boards in AS 08.01.010, which controls the applicability of the central licensing chapter.

Sec. 4. Adds licensed marital and family therapists to the listing in AS 8.02.010, which provides for professional designation requirements.

Sec. 5. Extends the Board of Psychologists until June 30 1993.

Sec. 6. Adds the Board of Marital and Family Therapists to the list of boards in AS 08.03.010, sunsetting it in 1993.

Sec. 7. Increases the graduate credit hour equivalency requirement for psychological associates from 24 to 48 hours.

Sec. 8. Adds the Board of Marital and Family Therapists to the list of agencies governed by the Administrative Procedure Act.

Sec. 9. Adds licensed marital and family therapists to the list of persons required to report suspected child abuse.

Sec. 10. Adds licensed marital and family therapists to the list of persons required to report suspected elder abuse.

Sec. 11. Adds licensed marital and family therapists to the list of persons required to report suspected abuse of a disabled adult.

Sec. 12. Adds communications between a patient and a marital and family therapist to the privileged communications excluded under Evidence rule 504(a)(3).

Sec. 13. Provides for initial appointees to the Board of Marital and Family Therapists.

Sec. 14. The Board of Marital and Family Therapists "Grandfather" provision.

Sec. 15. Exempts this bill from the requirements of a statute relating to legislation regarding occupational boards.

Sec. 16. Provides for an immediate effective date for the sections of the bill that relate to the Board of Psychologists.

HB18SEC.LEG\MTH

HB 18: Proposed Amendment to AS 08.06.040

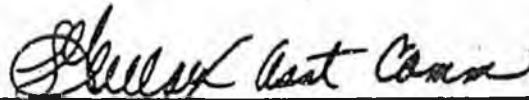
This amendment eliminates the requirement for an acupuncturist to maintain certification as a diplomate of the National Council for the Certification of Acupuncturists before renewal of their license.

Several licensees have stated difficulty in communicating with this organization. Also, they feel that they should have freedom of choice as to which trade association they join. Licensees feel it would be better for the department to develop criteria for continuing education, if it is deemed necessary.

With the short time remaining before renewal (September 30, 1992), it is doubtful the requirements can be met. This would place an undue burden on licensees who have invested time and money into establishing a practice, received initial licensure, but would not be allowed to continue practicing.

The department has also experienced difficulty in having the National Council clarify its requirements.

The department supports this amendment.



Glenn A. Olds, Commissioner

Date:

6.10.92

# HB 18

DRAFT

**HOUSE RULES COMMITTEE  
APRIL 15, 1992**

Number 2808

Rep. Gruenberg explained that the members had the second HESS CS before them, in which the title was broadened to allow other professions to be included, that it is an act relating to professional licensing. He further explained that he was approached by MS. ANN BOUDREAUX, on behalf of the acupuncturists who had a technical problem with one statute having to do with renewal of license. He pointed out that the amendment eliminates the requirement for an acupuncturist to maintain certification as a diplomat of the national Council for the Certification of Acupuncturists before renewal of their license. After lengthy discussion, Rep. Gruenberg moved the amendment. With no objection, it became the Rules Committee Substitute.

counting or auditing; a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the issuer is a certified public accountant or auditor, or from the language of the report itself; "report" includes any form of language that disclaims an opinion when the form of the language is conventionally understood to imply a positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or firm issuing the language; and "report" includes any other form of language that is conventionally understood to imply such assurance or such special knowledge or competence; "report" does not include compilation of financial statement language that does not express or imply assurance or special knowledge or competence. (§ 21 ch 187 SLA 1960; am §§ 13, 14 ch 82 SLA 1980; am § 4 ch 59 SLA 1982; am § 7 ch 14 SLA 1987; am § 18 ch 62 SLA 1991)

**Effect of amendments.** — The 1987 amendment substituted "In this chapter" for "As used in AS 08.04.010 — 08.04.690" in the introductory language and added paragraph (4).

The 1991 amendment, effective September 16, 1991, added paragraphs (5) and (6).

**Sec. 08.04.690. Short title.** This chapter may be cited as the Accountancy Act. (§ 1 ch 167 SLA 1960; am § 5 ch 127 SLA 1974; am § 26 ch 147 SLA 1976)

### Chapter 06. Acupuncture.

**Section**

- 10. Practice of acupuncture without license prohibited
- 20. Application for license
- 30. License to practice acupuncture
- 40. Renewal of license
- 50. Disclosure
- 60. Restrictions on practice of acupuncture

**Section**

- 70. Grounds for imposition of disciplinary sanctions
- 80. Exemption
- 90. Penalty
- 100. Regulations
- 190. Definitions

**Cross references.** — For legislative purpose in enacting this chapter, see § 1, ch. 6, SLA 1990.

**Collateral references.** — Acupuncture as illegal practice of medicine. 72 ALR3d 1257.

**Sec. 08.06.010. Practice of acupuncture without license prohibited.** A person may not practice acupuncture without a license. (§ 2 ch 6 SLA 1990)

**Sec. 08.03.020. Application for license.** A person desiring to practice acupuncture shall apply in writing to the department. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.030. License to practice acupuncture.** (a) A person is qualified to receive a license to practice acupuncture if the person

- (1) is of good moral character;
- (2) is at least 21 years of age;
- (3) either

(A) has completed a course of study consistent with the core curriculum and guidelines of the National Council of Acupuncture Schools and Colleges at a school of acupuncture approved by the department; or

(B) is licensed to practice acupuncture in another jurisdiction that has acupuncture licensing requirements equivalent to those of this state;

(4) is qualified for certification by the National Council for the Certification of Acupuncturists as a diplomate in acupuncture;

(5) does not have a disciplinary proceeding or unresolved complaint pending at the time of application; and

(6) has not had a license to practice acupuncture suspended or revoked in this state or in another jurisdiction.

(b) The department shall issue a license to practice acupuncture to each person who is qualified and who pays the appropriate fee.

(c) Each person licensed to practice acupuncture under this chapter shall display the license in a conspicuous place where the licensee practices. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.040. Renewal of license.** The department may not renew a license under this chapter unless the applicant

(1) demonstrates continued competence as an acupuncturist in a manner established by the department in regulations; and

(2) submits proof that the applicant maintains certification by the National Council for the Certification of Acupuncturists as a diplomate of acupuncture. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.050. Disclosure.** (a) A person who practices acupuncture shall disclose that the person's training and practice are in acupuncture

(1) to each patient; and

(2) on all material used in the practice of acupuncture and made available to patients or to the public.

(b) A person who practices acupuncture without being covered by malpractice insurance shall disclose to each patient that the person does not have the insurance. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.060. Restrictions on practice of acupuncture.** A person who practices acupuncture may not

- (1) give, prescribe, or recommend in the practice a
  - (A) prescription drug;
  - (B) controlled substance;
  - (C) poison;
- (2) engage in surgery; or
- (3) use the word "physician" in the person's title unless the person is also licensed as a physician. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.070. Grounds for imposition of disciplinary sanctions.** After a hearing, the department may impose a disciplinary sanction on a person licensed under this chapter when the department finds that the licensee

- (1) secured a license through deceit, fraud, or intentional misrepresentation;
- (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;
- (3) advertised professional services in a false or misleading manner;
- (4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely;
- (5) intentionally or negligently engaged in patient care, or permitted the performance of patient care by persons under the licensee's supervision, that does not conform to minimum professional standards regardless of whether actual injury to the patient occurred;
- (6) failed to comply with this chapter, with a regulation adopted under this chapter, or with an order of the department;
- (7) continued to practice after becoming unfit due to
  - (A) professional incompetence;
  - (B) failure to keep informed of current professional practices;
  - (C) addiction to or severe dependency on alcohol or other drugs that impairs the ability to practice safely;
  - (D) physical or mental disability; or
- (8) engaged in lewd or immoral conduct in connection with the delivery of professional service to patients. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.080. Exemption.** This chapter does not apply to a person who practices acupuncture under AS 08.36 or AS 08.64. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.090. Penalty.** A person who violates this chapter or a regulation adopted under this chapter is guilty of a class B misdemeanor. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.100. Regulations.** The department may adopt regulations to implement this chapter, including regulations establishing

- (1) standards for the practice of acupuncture;
- (2) standards for continuing education and training;
- (3) a code of ethics for the practice of acupuncture. (§ 2 ch 6 SLA 1990)

**Sec. 08.06.190. Definitions.** In this chapter

(1) "acupuncture" means a form of healing developed from traditional Chinese medical concepts that uses the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions;

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

(3) "practice of acupuncture" means the insertion of sterile acupuncture needles and the application of moxibustion to specific areas of the human body based upon acupuncture diagnosis; the practice of acupuncture includes adjunctive therapies involving mechanical, thermal, electrical, and electromagnetic treatment and the recommendation of dietary guidelines and therapeutic exercise. (§ 2 ch 6 SLA 1990)

## Chapter 08. Attorneys.

### Article

1. The Alaska Bar Association (§§ 08.08.010, 08.08.020)
2. The Board of Governors and Officers (§§ 08.08.030 — 08.08.100)
3. Admission to Alaska Bar (§§ 08.08.136 — 08.08.207)
4. Unlawful Acts (§§ 08.08.210, 08.08.230)
5. General Provisions (§ 08.08.250)

**Cross references.** — For additional provisions relating to the practice of law in Alaska, see the Alaska Bar Rules, the Bylaws of the Alaska Bar Association, and the Code of Professional Responsibility in the Alaska Rules of Court.

### NOTES TO DECISIONS

**Power of state.** — A state has a substantial interest in regulating the practice of law within its boundaries, and a state has broad power to establish standards for the licensing of legal practitioners. In re Urie, 617 P.2d 505 (Alaska 1980).

**Collateral references.** — 7 Am. Jur. 2d, Attorneys at Law, §§ 1, 2, 7. without charges against particular members. 60 ALR 860.

7 C.J.S., Attorney and Client, §§ 3, 11, 12, 19. Court's power to promulgate rules providing for integration of state bar. 114 ALR 163; 151 ALR 617.

Court's power to conduct general investigation of practices of members of bar. Compulsory membership in state bar. 114 ALR 165; 151 ALR 617.

## HB 18 MARRIAGE & FAMILY THERAPISTS

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

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG, M.A.Miller, Carney, B.Davis

### HB 18 Bill History

Jrn-Date	Page	Action
01/11/91	0020	(H) PREFILE RELEASED
01/21/91	0020	(H) READ THE FIRST TIME - REFERRAL(S)
01/21/91	0020	(H) HES, JUDICIARY, FINANCE
02/19/91	0261	(H) COSPONSOR(S): M.A.MILLER
02/20/91	0272	(H) HES RPT CS(HES) NEW TITLE 4DP
02/20/91	0272	(H) (DP:CARNEY,LINCOLN,M.A.MILLER,HANLEY)
02/20/91	0272	(H) -FISCAL NOTE (DCED) 2/20/91
03/13/91	0457	(H) JUD RPT CS(JUD) NEW TITLE 5DP
03/13/91	0457	(H) (DP:DONLEY,GRUENBERG,MARTIN,HANLEY, ..PARNELL)
03/13/91	0457	(H) -PREV FN (DCED) 2/20/91
04/17/91	0828	(H) FIN RPT CS(FIN) NEW TITLE 9DP 2NR
04/13/91	0829	(H) (DP:MACLEAN,NAVARRE,BOYER,KOPONEN, ..JACKO,R.PHILLIPS,LARSON,ULMER,BROWN)
04/13/91	0829	(H) (NR:SHARP,BARNES)
04/17/91	0829	(H) -PREV FN (DCED) 2/20/91
04/17/91	0000	(H) RULES TO CALENDAR 4/17/91
04/17/91	0840	(H) READ THE SECOND TIME
04/17/91	0840	(H) FIN CS ADOPTED UNAN CONSENT
04/17/91	0840	(H) AMENDMENT 1 BY BARNES
04/17/91	0841	(H) AM NO 1 FAILED Y16 N20 A4
04/17/91	0841	(H) ADVANCED TO THIRD RDG FLD Y26 N13 A1
04/17/91	0842	(H) ADVANCE TO THIRD READING 4/19 CALENDAR
04/19/91	0877	(H) READ THE THIRD TIME CSHB 18(FIN)
04/19/91	0877	(H) RETURN TO RLS COMMITTEE
04/19/91	0881	(H) COSPONSOR(S): B.DAVIS
02/19/92	0000	(H) RULES TO CALENDAR 2/19/92
02/19/92	2343	(H) READ THE THIRD TIME CSHB 18(FIN)
02/19/92	2343	(H) FISCAL NOTE SUBMITTED BY H.RLS CMTE
02/19/92	2343	(H) -FISCAL NOTE (DCED) 2/19/92
02/19/92	2343	(H) RETURN TO SECOND FOR AM 1 UNAN CONSENT
02/19/92	2343	(H) AM 1 BY GRUENBERG
02/19/92	2346	(H) MOTION: RETURN TO RULES
02/19/92	2346	(H) ..MOTION WITHDRAWN
02/19/92	2346	(H) RETURN TO HES COMMITTEE
03/13/92	2610	(H) HES RPT 2D CS(2D HES) NEW TITLE 4DP 1NR
03/13/92	2611	(H) (DP: LINCOLN,M.A.MILLER,B.DAVIS,C.DAVIS)
03/13/92	2611	(H) (NR: HANLEY)

03/13/92 2611 (H) -FISCAL NOTE (DCED) 3/13/92  
04/16/92 3122 (H) RLS RPT 2D CS(RLS) NEW TITLE 2DP 5NR  
04/16/92 3122 (H) (DP: GRUENBERG,ELLIS) (NR: DONLEY,  
04/16/92 3122 (H) ..GRUSSENDORF,MARTIN,DAVIDSON,TAYLOR)  
04/16/92 3122 (H) -PREV FN (DCED) 3/13/92  
04/16/92 3122 (H) REFERRED TO RULES

## **HB 18 - HOUSE HES Committee Minutes February 7, 1991**

The House Committee on Health, Education and Social Services (HESS) was called to order by Co-Chair Georgianna Lincoln at 8:36 a.m. on February 7, 1991. All members were present. Chair Lincoln announced that the meeting was on teleconference with Anchorage and Kotzebue. She informed members they would first consider HB 18. Representative Max Gruenberg, prime sponsor of HB 18, was asked to address the committee.

### Number 068

REPRESENTATIVE MAX GRUENBERG announced that HB 18 will license, for the first time, marriage and family therapists. He referred to an article in an Anchorage newspaper about an east Anchorage couple where a man shot his wife, then himself. Maybe if there had been some intervention for the Anchorage couple and some good licensed marital and family therapy, the incident could have been avoided. Rep. Gruenberg stated that 23 states now have licensed marriage and family therapists, a separate field of study that deserves licensing. HB 18 establishes for marital and family therapist minimal educational and practical requirements, including passing a written examination and being of good morale character.

Rep. Gruenberg pointed out the provision in HB 18, Section 10, for people presently practicing to remain in the field. Rep. Gruenberg mentioned a small fiscal note of around \$14,000 which assumes that initially there will be 40 licensed people paying \$300 per year. As more people get licensed, the fiscal note will get smaller and eventually diminish to the point of being a revenue raiser for the state of Alaska.

Rep. Gruenberg suggested that three minor amendments to HB 18 be considered by the committee. Amendment one deals with the continuing problem on what is cause for board removal. Amendment two was suggested by the Department of Commerce and Economic Development, Division of Occupational Licensing so that a license "shall be renewed biennially by the applicant on a date set by the department and approved by the board." Amendment three deals with not allowing people to say they are licensed when in fact they were not.

### Number 172

Rep. Hanley asked Rep. Gruenberg if the licensing fee was \$150 per year or the \$300 mentioned in his testimony.

Rep. Gruenberg clarified that the old fiscal notes did say \$150 per person per year. New fiscal notes were presented with a recalculation of \$300 per person per renewal year.

### Number 195

Rep. Hanley stated that he understood that one of the reasons for HB 18 was to provide quality control and make sure that the people who were licensed have adequate backgrounds. He then asked if it were true if the licensing would also allow them to qualify for certain payments under medical programs.

Rep. Gruenberg stated that HB 18 does not provide for medical program payment qualifiers, but would consider them as friendly amendments if they did not jeopardize HB 18. He pointed out that there were two things to which Representative Hanley was referring. The first one was eligibility for medicaid programs and the other was private health insurance.

Number 222

Rep. Mary Miller referred to HB 18, Section 10 (a), and asked if it still applied to people with advanced degrees who counsel individuals as opposed to groups.

Rep. Gruenberg answered in the affirmative.

Number 256

Rep. Hanley questioned whether a person with a masters or doctorate in another mental health field would qualify.

Rep. Gruenberg stated that those psychologists that had been practicing in marital and mental therapy for the last two years would qualify. Only those who had not been practicing marital and mental therapy would need to meet the requirements specified at the top of page 3.

Number 288

Rep. Hanley asked if the classes noted on the top of page 3 were intended to be graduate courses.

Rep. Gruenberg did not know if there were any courses specified that could be fulfilled in undergraduate courses. He suggested that this was a technical question which should be addressed to one of the marriage and mental therapists that will be testifying today.

Number 302

Chair Lincoln expressed concern that HB 18 would not in any way deter from the family and individual counseling practiced in the rural areas by unlicensed counselors in the villages.

Rep. Gruenberg answered that HB 18 would not interfere with counseling by unlicensed counselors in the rural areas. He did state that unlicensed counselors would not be able to claim being licensed.

Number 329

ALLEN PRICE, Pastoral Counselor with Samaritan Counseling Center, via teleconference from Anchorage, spoke in favor of HB 18 and recommended that page 6 define that the mental health field included clinical social workers, masters level counselors, clinical psychologist, psychological associates, psychiatrists, psychiatric nurses and pastoral psychotherapists.

Rep. Miller asked Mr. Price to cite the line and number on page 6 of HB 18 where he would like the changes in wording.

Mr. Price replied, page 7, Section 1, after (6), add a (7) and state "mental health field includes clinical social workers, masters level counselors, clinical psychologist, psychological associates, psychiatrists, psychiatric nurses and pastoral psychotherapists."

Rep. Miller stated that she would support Mr. Price's request as being an essential part of HB 18.

Number 361

Rep. Gruenberg asked Mr. Price what kind of training a pastoral counselor must have. Mr. Price answered that his particular training included four years of undergraduate work, a three year course in human development, and a two year post graduate course in pastoral psychotherapy.

Rep. Gruenberg remarked that it sounded like Mr. Price was well qualified and asked if his amount of training would be the case for all pastoral counselors.

Mr. Price replied that few clergy in congregations would have the same amount of training. Those pastoral psychotherapists with graduate degrees would have a portion of the training he described.

Rep. Miller clarified that she thought it essential to include a number (7) defining which members of the mental health field would be included and that the required training for marital and family therapists apply to those listed in the definition.

Number 400

Chair Lincoln suggested that HB 18 go to subcommittee due to the number of amendments and the lack of time remaining for those who wish to testify. There were no objections.

Number 409

MERCY DENNIS, a marriage and family therapist, via teleconference from Anchorage and stated that she was a marriage and family therapist and a member of the American Association of Marriage and Family Therapy and the Alaskan Association of Marriage and Family Therapy. She commented that marriage and family therapy was a specialized field of study with specific education and training. Ms. Dennis made it clear that others in the mental health field with training in marriage and family therapy should qualify to become licensed under HB 18. She suggested that the definition of "other" be left to the Board's discretion.

Number 442

BARBARA GABIER, Licensing Supervisor for the Division of Occupational Licensing, stated that the Department of Commerce and Economic Development did not oppose HB 18. She expressed two concerns: 40 license fees supporting a five member license board; and the renewal clause on page 3 where it indicated that the renewal period would be two years from date of issue. The Department of Commerce and Economic Development recommended the renewal period be two years from the date set by the department.

Rep. Hanley noted that the Board funding for personnel services was only \$3,600 and expressed a concern over increasing the number of Boards. He asked if the Division of Occupational Licensing did the actual testing for the Board.

Ms. Gabier said that there would be a national test used and that the funding for personal services was only a portion of the examiner's time, since the examiner would be working with other licenses at the same time.

Number 460

KIM BUSCH, Acting Director with the Division of Medical Assistance, stated that services by an unlicensed marriage and family therapist would not be eligible for payment out of the Medicaid program due to a change in regulations currently set forth and in the process of being adopted by the Department of Health and Social Services (H&SS). The passing of HB 18 and licensing of marriage and family therapists would allow H&SS to pay the therapist under the Medicaid program.

Rep. Hanley asked if therapist services were currently paid under Medicaid.

Ms. Busch answered yes to some extent within clinic practice under the supervision of a physician but not directly reimbursed.

Number 476

Rep. Gruenberg said that there were some marriage and family therapists who practiced in clinics under the supervision and direction of a psychiatrist. House Bill 18 should allow all licensed therapists eligibility in the Medicaid program whether they practice alone or with other therapists.

Ms. Busch clarified that in order for all licensed therapists to be eligible in the Medicaid program, there would have to be technical changes to the Medicaid statutes.

Number 501

DIXIE HOOD, a marriage and family therapist with the Juneau Wellness Center, deemed the passing of HB 18 as a first step in the protection of Alaska consumers in establishing standards for mental health services. She felt that the amendments brought up in committee would strengthen HB 18 in terms of consumer choice and insurance reimbursement.

Number 533

JANE DYSON, a therapist in private practice, via teleconference from Anchorage, spoke in favor of HB 18 as well as the statement by Ms. Dennis regarding the word "other," which would allow HB 18 to be broad enough to incorporate those courses offered to people who were specializing in different areas.

Number 542

With all testimony heard, Chair Lincoln asked for questions from the committee.

Number 544

Rep. C. Davis asked Rep. Gruenberg if a couple of qualified members could be added to an existing board instead of appointing a whole new board.

Rep. Gruenberg said that creating a behavioral board which covered all fields was considered, but suggested that any changes with the board structure be held off until later so that legislation of HB 18 not be delayed.

Number 562

Rep. B. Davis asked Rep. Gruenberg if he intended to submit the other amendment that would allow licensed therapist eligibility for insurance and Medicaid payments.

Rep. Gruenberg suggested that the subcommittee look at that problem, see what people in the profession want to do, and if adding the new amendment would cause problems for HB 18. He was willing to prepare the amendment for the committee if they felt it was important, but did not want to add any more amendments than necessary for fear of killing HB 18 with kindness.

Rep. B. Davis asserted her belief that if marriage and family therapists were going to be licensed, they might as well be eligible for payment as individuals as well as in groups.

Number 574

Chair Lincoln announced that HB 18 would be held in subcommittee to work with the sponsor, Rep. Gruenberg. Appointed to the subcommittee were Rep. M. Miller as Chair and Rep. Hanley.

House Bill 18 was rescheduled for February 19, 1991. There were no objections.

### **HB 18 - HOUSE HES Committee Minutes**

February 19, 1991

Chair Lincoln stated there was a quorum. She then informed members they would first consider HB 18, which had previously been assigned to a subcommittee.

Number 038

Representative Mary Miller, as chair of the HB 18 subcommittee, reported to the HESS Committee on the four amendments incorporated in the proposed House HESS CS for HB 18 which were as follows:

- 1) Page 1, line 2, and page 9, line 21: Effective date has been deleted from the title and the bill because it was unnecessary.
- 2) Page 2, line 1: The word "only" was added to clarify that board members can be removed only for good cause.
- 3) Page 3, lines 25-27: Paragraph (d) was amended to provide that all licenses would be renewed at a date set by regulation instead of each license being renewed every two years from the date of issuance. This change, made at the request of the department, removed the need to track dates of issuance and simplified the license renewal process.
- 4) Page 7, line 30: Section 5 of the original bill was deleted. That section added marital and family therapists to the Medical Insurance Corporation of Alaska (MICA). MICA had been sold so that section was no longer operative.

Rep. Miller further noted that lines 21-22 on page 3 of CSHB 18 had also been added and recommended that the following sentence be included, "As provided in this subsection, 'mental health field' includes psychiatry, psychology, clinical social work, and pastoral counseling."

Number 130

Chair Lincoln requested a motion to adopt CSHB 18(HES) for discussion purposes. The motion was made by Representative Carney with no objections. The motion was carried. REPRESENTATIVE MAX GRUENBERG, prime sponsor of HB 18, expressed his concern for the amendment on page 3, lines 21-22 of CSHB 18(HES) and affirmed that he did not support such an amendment. Rep. Gruenberg stated that he did not know where the amendment came from and respectfully requested its deletion from CSHB 18(HES).

Number 150

Rep. Miller commented that the subcommittee had decided that the qualifications for license to practice on page 2, line 21, Sec. 08.63.100, was sufficient.

Chair Lincoln asked if Rep. Miller was supportive of the language on page 3, lines 21-22.

Rep. Miller declined her support of such language.

Number 185

Chair Lincoln declared with full consent of the chair of the subcommittee and sponsor of HB 18 that page 3, lines 21-22, be stricken.

Chair Lincoln requested a motion to pass CSHB 18(HES) with attached fiscal note.

Number 220

Representative Mark Hanley expressed his concern regarding the addition of more fiscal notes to the budget and asked Rep. Gruenberg if a three member board that included two professional license members and one public member had been considered.

Rep. Gruenberg answered that having two public members on the board was important for the public's protection and it was dangerous on a policy basis to go below a five member board. The fiscal note will decrease as the number of licenses increase.

Rep. Hanley stated his desire to combine boards in the future.

Rep. Miller commented that the subcommittee had decided that the five member board was appropriate.

Rep. Gruenberg added that in an attempt to bring the fiscal note under control without reducing the number of members on the board, he had doubled the licensing fees from \$150 per year to \$300 per year with the support of the members of the profession.

Chair Lincoln shared that 17 public opinion messages and several letters had been received that were all in favor of HB 18.

Number 286

Rep. Carney made the motion that by unanimous consent HB 18 as amended, with attached fiscal note, be moved from committee with individual recommendation.

It was moved and seconded, and Chair Lincoln declared that HB 18 would be moved out of the HESS Committee.

Number 297

### **HB 18 - HOUSE JUD Committee Minutes March 11, 1991**

CSHB 18 (HES): "An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date."

REPRESENTATIVE GRUENBERG, speaking as prime sponsor of CSHB 18(HES), noted that the committee had before them a blank draft committee substitute which included the proposed amendments.

Representative Gruenberg stated that CSHB 18(HES) would require that all marital and family therapists be licensed by the state. He said currently there was no licensing requirement for those professionals.

Representative Gruenberg noted that a board would be established consisting of three licensed therapists and two members of the public.

Representative Gruenberg explained that in order to obtain a license the applicant had to be of good moral character, as defined by CSHB 18(HES), and hold a masters or doctorate degree in marriage and family therapy or in another mental health field that was equivalent. The applicant would also be required to have certain postdoctoral training and to have passed an oral or written examination.

Representative Gruenberg stated that there was a provision in CSHB 18(HES) which provides for therapists currently practicing to continue to practice while in the process of obtaining the license. He further stated that CSHB 18(HES) had been carefully crafted by psychologists, social workers and other people in the field to see that it met the requirements that members of the field wanted to see.

Representative Gruenberg noted that the amendments before the committee added to CSHB 18(HES) would make licensed therapists aware of AS 47.17.020, which outlines requirements for reporting child abuse. He further stated that the licensees must obtain training related to domestic violence.

SHERRIE GOLL, representing the Association of Marriage and Family Therapist, read a statement from Dixie Hood, a practicing marriage and family therapist. (please refer to attachment)

Number 266

Representative Parnell asked what the effect would be on pastors or priests who provide counseling.

Ms. Goll explained that there was nothing in CSHB 18(HES) that would change pastoral counseling. She said if CSHB 18 (HES) is passed, pastoral counselors would not be able to call themselves marriage and family therapists, but would be able to continue to counsel. She

noted that some pastoral counselors do have the same educational background and if they qualified, they could become licensed.

ANN BOUDREAUX, Director of Occupational Licensing in the Division of Commerce & Economic Development, agreed that pastoral counselors would not be affected.

Representative Parnell wondered if the legislation was in sync with federal legislation.

Representative Gruenberg responded that there was no federal legislation that addressed the issue, but the legislation did address the requirements needed for the therapist to receive payment from Medicaid.

KIM BUSCH, Acting Director of the Division of Medical Assistance, Department of Health and Social Services, testified that there were no requirements under federal law for reimbursement through Medicaid except the therapist must meet state licensing requirements. She noted that CSHB 18(HES) did not allow licensed marriage and family therapists to be directly reimbursed from Medicaid unless the therapist was working in a clinic. Representative Gruenberg noted that the profession was willing to tax itself \$300.00 a year in order to be licensed. He noted that the two amendments were added at the request of the Council on Domestic Violence. He further stated that CSHB 18(HES) did not cover therapists who were not practicing at a clinic; i.e., the Langdon Clinic in Anchorage.

Representative Gruenberg said for a therapist not practicing at a clinic to be covered, a separate bill would be necessary.

Representative Gruenberg explained that the Alaska Rule of Evidence 504(a) was directly amended because it was felt that a marital or family therapist was every bit as much a psychotherapist as a psychiatrist or psychologist.

Representative Parnell suggested that on page 6, line 14 and line 16, of CSHB 18(HES), the word "in" be changed to "by".

Representative Gruenberg made a motion to adopt Representative Parnell's proposed amendment to CSHB 18(HES). No objections being heard, the motion carried.

Representative Gruenberg made a motion to amend CSHB 18(HES), page 2, following line 10, by inserting a new paragraph to read: (6) ensure that licensees are aware of the requirements of AS 47.17.020;. No objections being heard, the motion carried.

Representative Gruenberg made a motion to amend CSHB 18(HES), page 3, line 14: Delete ["AND"]; and on page 3, following line 14, insert a new subparagraph to read: "(D) has received training related to domestic violence; and." No objections being heard, the motion carried.

Representative Gruenberg made a motion to move CSHB 16 as amended with individual recommendations. No objections being heard, the motion was carried.

The meeting was adjourned at 3:30 p.m.

(TAPE JUD 91-25, SIDE B, Number 235)

## **HB 18 - HOUSE FIN Committee Minutes**

**April 15, 1991**

HB 18 An Act regulating the practice of marital and family therapy; amending Alaska Rule of Evidence 504(a)(3); and providing for an effective date.

CS HB 18(FIN) was reported out of Committee with a "do pass" recommendation and a \$35 thousand dollar fiscal note by the Department of Commerce and Economic Development, dated February 6, 1991.

**HB 18 - HOUSE FIN Committee Minutes  
April 15, 1991**

HOUSE BILL 18

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

REPRESENTATIVE MAX GRUENBERG, as prime sponsor of House Bill 18, gave an overview of the proposed draft CS dated April 15, 1991, which contained a few minor amendments (Attachment 1). He explained that this bill would regulate the practice of marriage and family therapy. Presently, these therapists are regulated in a number of states, but not in Alaska. The legislation has widespread support, he concluded.

Representative Mark Boyer MOVED to adopt the draft CS. There being NO OBJECTION, the CS was ADOPTED.

REPRESENTATIVE MARY MILLER spoke in support of the bill. She explained that she worked closely with Representative Gruenberg and his office on the legislation.

Representative Ron Larson MOVED to report CS HB 18(FIN) out of Committee with individual recommendations. There being NO OBJECTION, CS HB 18(FIN) was reported out of Committee with a "do pass" recommendation and a \$35 thousand dollar fiscal note by the Department of Commerce and Economic Development, dated February 6, 1991.

**HB 18 - HOUSE HES Committee Minutes  
March 10, 1992**

Number 481

Chair Lincoln announced that the committee would hear HB 18, relating to marriage and family therapists.

REP. MAX GRUENBERG, Prime Sponsor of HB 18, offered the committee the following amendment:

Page 1, line 2: following "504(a)(3)" insert "and providing for an effective date";

Page 8, following line 5: insert a new bill section to read:

"\*Sec. 4. AS 08.03.010(c)(10) is amended to read: (10) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010) - June 30, 1993 [1991];"

Renumber the following bill sections accordingly.

Page 8, following line 7: Insert a new bill section to read: "\*\*Sec. 6. AS 08.86.162 is amended to read:

Sec. 08.86.162. ASSOCIATES: QUALIFICATION FOR EXAMINATION. a PERSON IS ENTITLED TO TAKE A PSYCHOLOGICAL ASSOCIATE EXAMINATION IF THE BOARD FINDS THAT THE PERSON:

(1) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

(2) holds a master's degree with primary emphasis on psychology from an academic institution whose program of graduate study for a master's degree in psychology meets the criteria established by the board by regulation, with the equivalent of at least 48[24] semester credit hours of graduate course work directly related to a specialized area of psychology in which licensure is requested, including a practicum;

(3) has at least three years' supervised experience after obtaining a masters degree; in this paragraph, "supervised experience" means the equivalent of at least one hour a week of personal interview with a supervisor whose educational qualifications are consistent with the level of activity being supervised;

(4) has the recommendation of an immediate supervisor if a licensed psychologist, or two licensed psychologists who hold doctoral degrees; and

(5) has not within the preceding six months failed an examination given by the board."

Renumber the following bill sections accordingly.

Page 11, following line 12:

"\* Sec. 14. AS 44.66.050(e) does not apply to this Act.

\* Sec. 15. Sections 4, 6, and 14 of this Act take effect immediately under AS 01.10.070(c)."

Rep. Gruenberg summarized the changes made by the amendments:

1) broadened title; 2) effective date; and,

3) the specific number of hours required and the provision for reporting elder and spousal abuse.

Rep. C. Davis moved for adoption of CSHB 18 (2d HES) with the incorporated amendments offered by the prime sponsor. There was no objection, it was so ordered.

Number 600

SHARON MACKLIN, representing the Alaska Psychological Association (APA), stated the APA is very supportive of licensing marriage and family therapists, adding that licensing of professionals is imperative for the safety of the general public.

Ms. Macklin went on to say the APA had concerns with broadening the title of HB 18, which could be used as a vehicle to combine boards and commissions. The APA has examined potential effects of combining and is concerned with evaluation of credentials and testing and disciplinary procedures.

Ms. Macklin said the APA supports the amendments proposed by Rep. Gruenberg because the new provisions will provide a vehicle for extension.

Rep. Hanley questioned if the fees paid to the Boards of Psychologists and Psychological examiners covered their expenses.

Ms. Macklin answered it was her understanding expenses were not being entirely covered by fees. However, the APA has encouraged increased fees to cover the expenses more fully.

Rep. Hanley asked the status of the bill dealing with the extension.

Ms. Macklin stated that HB 163 is in its one year wind-down period and is currently in the Senate Labor and Commerce Committee.

Rep. C. Davis asked if fees could be brought in-line to cover the costs of HB 18.

Rep. Gruenberg stated his intent that the fees cover the costs. He added that he would support the amendment to extend with the caveat that if, at some point in the process, the amendment becomes a danger to the bill, it will be dropped.

TAPE 85, SIDE B

Number 000

SHERRIE GOLL, representing the Association of Marital and Family Therapists, noted that the House had passed the companion bill for HB 18 last year and it was vetoed because the administration did not want to create a new board.

Ms. Goll added that the chairman of the Senate Labor and Commerce Committee was trying to incorporate the positions of the administration and the legislature.

Rep. Hanley, referring to the fiscal note, stated that license fees are bi-annual, therefore a shortfall in revenue would take place every other year.

Rep. B. Davis moved that the committee adopt amendment #1.

Rep. Hanley objected for purposes of discussion. He noted the amendment added an effective date, and if the other body removed the provision adding the Board of Psychologist and Psychological Associate Examiners, they would have to provide a new effective date to meet the qualifications of the expanded title. He then removed his objection.

There were no further objections to the amendment, it was so ordered.

Rep. Gruenberg referenced AS 44.66.050(e) which states sunset provisions cannot be combined for boards. He stated the legislature can, in HB 18, simply override the statute for this particular bill because of the combined approach.

Number 230

CAROLYN SMITH, testifying on behalf of the Alaska Nurses Association via teleconference from Anchorage, stated the Association was opposed to HB 18 because of the amendment to the title, not due to content. The Association supported the formation of the board to regulate the practice of Marriage and Family Therapists. The Association was concerned the change in title could allow HB 18 to begin implementing the "Preliminary Recommendations of the Governor's Task Force on Boards and Commissions."

Ms. Smith concluded by voicing the Association's opposition of possibly setting a precedent to begin combining various boards.

Rep. B. Davis moved that CSHB 18 (2d HES) be passed from committee as amended with individual recommendations and accompanying fiscal note.

Rep. Hanley asked if an additional fiscal would be attached to cover the added provisions made by the adopted amendments.

Rep. Gruenberg suggested the committee include the Department of Commerce fiscal note, component serial number 0356.

There was no objection. It was so ordered.

### **HB 18 - HOUSE HES Committee Minutes March 12, 1992**

The Chair reported that a fiscal note was being distributed for HB 18, which passed out of committee on March 11, 1992. She explained that passage of the second committee substitute matched SB 40, which was vetoed because the fiscal note of February 18 was not written to the amendment. Because the bill does not go to Finance, the Department of Commerce had been requested to prepare a new fiscal note, and it was thus provided. There being no objection, it was ordered that the Department of Commerce fiscal note (3/11/92) would travel with the bill.

The Chair announced that the committee would travel to Lemon Creek Correctional Center on Monday, March 16, 1992, from 8:00 to 10:30 a.m.

The meeting adjourned at 10:09 a.m.

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 3  
Bill Version: 2dCSHB 18(2dHES)  
(..) Publish Date: 3-13-92

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

0	3	5	6
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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						

Estimated of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

2d CSHB 18(2d HES) 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 extends the Board of Psychology and Psychological Associates for one year and amends AS 08.86.162.

Prepared By: Jennifer Strickler *JS* *OB* Phone: 465-2144  
Division: Occupational Licensing Date: 03/11/92

Reviewed by Commissioner: Glenn A. Olds  
Agency: Commerce & Economic Development *Glenn A. Olds* Date: 3-11-92

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

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 costs:

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. The number of board meetings is reduced to one meeting each year. 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.

Grand Total: \$ 25.5

REVENUE

No. 3  
2d CSHB 18 (2d HES)

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."

ALASKA STATE LEGISLATURE  
HOUSE BILL NO. 18

HISTORY IN THE HOUSE

1991  
1/21 Read first time and referred to:  
HES Jud Fin

2/20 HES RPT CS(HES)  New Title  
4 DP  DNP  NR  AM  
 FN  OFN  Previous FN

3/13 Jud RPT CS(Jud)  New Title  
5 DP  DNP  NR  AM  
FN  OFN  Previous FN

4/17 Fin RPT CS(Fin)  New Title  
9 DP  DNP 2 NR  AM  
FN  OFN  Previous FN

4/19 returned to Rules  
4/17 Read second time  
CS( Fin ) Adopted

Amended

4/17 file to Advance -  
Advanced

4/19 Read third time

1992  
2/19 Read third time again  
3/19 Referred to HES w/amendments  
Return to second for specific amendment

3/13 HES RPT CS(Lad HES)  New Title  
4 DP  DNP 1 NR  AM  
1 FN  OFN  Previous FN

4/16 RLS RPT CS(RLS)  New Title  
2 DP  DNP 5 NR  AM  
FN  OFN 1 Previous FN

Read second time  
CS( ) Adopted

Amended

Advanced

4/28 Read third time

4/28 Return to second ~~for specific amendment~~  
to adopt 2nd RLS CS  
and Court RLS

4/28 PASSED EFD Same   
Yeas 36 Yeas  
Nays 0 Nays  
Excused 1 Excused  
Absent 3 Absent

HISTORY IN THE SENATE

1992  
4/30 Read first time and referred to:  
LEG FIN

RPT( ) CS DP NR DNP AM  
New Title Same Title Previous FN  
FN OFN To

RPT( ) CS DP NR DNP AM  
New Title Same Title Previous FN  
FN OFN To

RPT( ) CS DP NR DNP AM  
New Title Same Title Previous FN  
FN OFN To

Rules Calendar( ) CS AM Other  
New Title Same Title Previous FN  
FN OFN

Read second time  
CS Adopted ( ) New Title  
Amended Advanced

Read third time  
Letter of Intent adopted  
Return to second for specific amendment

PASSED EFD Same or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

Reconsideration  
Reconsideration not taken up

PASSED EFD Same or  
Yeas Yeas  
Nays Nays  
Excused Excused  
Absent Absent

Reported correctly engrossed  
Signed by President, to the House

Secretary of the Senate

AMENDMENT TO HB 18

PURPOSE: EXTEND BOARD OF CLINICAL SOCIAL WORK EXAMINERS

The Board of Clinical Social Work Examiners will sunset June 30, 1992, unless there is action by the Legislature to extend it. The Clinical Social Workers were prepared to support a consolidated board and worked closely with the Senate Labor and Commerce Committee staff, while that was a viable option. No bill has been introduced to extend the Board, although the Task Force on Boards and Commissions has concluded that the Clinical Social Work Board pays its own way, and, in fact, generated more income than operating the Board cost.

CSHB 18 has a title broad enough to encompass extending the Board of Clinical Social Work Examiners. Such action by the Legislature this year would allow the Board to continue its work in an orderly way without beginning the phase down year. It could be extended by amending CSHB 18 to add a new section concerning the Clinical Social Work Examiners Board and adding that section to the immediate effective date section.

ADD A NEW SECTION TO CSHB 18:

\* Section . AS 08.03.010(c)(8) is amended to read:

(c)(8) Board of Clinical Social Worker Examiners (AS 08.95.010) - June 30, 1995 [1992];

AMEND THE IMMEDIATE EFFECTIVE DATE SECTION:

\* Section . Sections 5, 7, 15, and \_\_\_ of this Act take effect immediately under AS 01.10.070(c).

To Bill Niles  
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A M E N D M E N T

OFFERED IN THE SENATE

TO: 2d CSHB 18(RULES)

Page 1, following line 11:

Insert a new bill section to read:

"\* Sec. 2. AS 08.48 is amended by adding a new section to read:

Sec. 08.48.295. CIVIL PENALTY FOR UNREGISTERED OR UNAUTHORIZED PRACTICE. (a) In addition to any other provision of law, if a person practices or offers to practice architecture, engineering, or land surveying in the state without being registered or authorized to practice in accordance with the provisions of this chapter, the board may enter an order levying a civil penalty.

(b) A civil penalty levied under this section may not exceed \$5,000 for each offense. In levying a civil penalty, the board shall set the amount of the penalty imposed under this section after taking into account appropriate factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to

recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.48.131."

Renumber the following bill sections accordingly.

Page 11, line 19:

Delete "sec. 2"

Insert "sec. 3"

Page 11, line 20:

Delete "sec. 12"

Insert "sec. 13"

Page 11, line 23:

Delete "sec. 2"

Insert "sec. 3"

Page 11, line 25:

Delete "sec. 2"

Insert "sec. 3"

Page 11, line 29:

Delete "sec. 2"

Insert "sec. 3"

Page 12, line 6:

Delete "sec. 2"

Insert "sec. 3"

Page 12, line 12:

Delete "5, 7, and 15"

Insert "6, 8, and 16"