

SB

165

Alaska State Legislature

Sen. Lyda Green, Chairman
Sen. Loren Leman, Vice-Chairman
Sen. Mike Miller
Sen. Johnny Ellis
Sen. Judith Salo



State Capitol
Room 423
Juneau, Alaska 99801-1182
907-465-3762

Senate Committee on Health, Education and Social Services

SB 165 Psychologists and Psychological Associates

Sponsor Statement

Currently under Alaska law, psychological associates are held to a more stringent standard in the licensure process than other masters-level mental health practitioners. For example, psychological associates are now the only mental health practitioners required to have three years of supervision by a Ph.D. psychologist prior to examination, followed by five years of supervision before they are eligible for independent practice. These provisions are too restrictive and often dissuade or prohibit individuals from entering into this particular profession.

The goal of this legislation is to bring the psychological associates into conformity with other masters-level programs (i.e. social workers, marriage and family therapists). It also insures the quality of these professionals by maintaining the examination, education, and ethical standards prior to licensure.

This bill has a zero fiscal note from the Department of Commerce and Economic Development.

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SB 165 Psychologists and Psychological Associates

SECTIONAL SUMMARY

Section 1: Allows the board to order a licensed psychologist or licensed psychological associate to submit to a reasonable physical or mental examination if the board finds credible evidence that the individual's physical or mental capacity to practice safely is at issue.

Section 2: Prohibits the board from issuing a license to an applicant who has conducted her or himself dishonorably in providing mental health services.

Section 3: Provides for psychologists (Ph.D.-level) to work under supervision and with the board's oversight for a limited time period to meet the experience requirements for licensing.

Section 4: Consolidates licensing requirements located under this chapter. Also this section clarifies and simplifies the licensing requirements for a masters-level psychological associate and makes them consistent with masters-level social workers and marital and family therapists.

Section 5: Removes redundant section of statute.

Section 6: Provides for psychological associates (masters-level) to work under supervision and with the board's oversight for a limited time period to meet the experience requirements for licensing. This provision also conforms to requirements already in place for social workers and marital and family therapists.

Section 7: Provides for psychological associates and psychologists to hold case conference with other mental health professionals outside the psychology and medical fields, e.g. psychiatrists, social workers, and marital and family therapists.

Section 8: Replaces the current reference to lewd or immoral conduct as a basis for the board taking disciplinary action with specific language prohibiting sexual

contact between a mental health provider and a client during the course of therapy and within two years after therapy.

Section 9: Authorized the board to suspend the license of a licensee who refuses to submit to a physical or mental examination under AS 08.86.075.

Section 10: Defines psychological associate

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Lauterbach
1/16/96

CS FOR SENATE BILL NO. 165(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY
REQUEST
A BILL

FOR AN ACT ENTITLED

1 "An Act relating to psychologists and psychological associates."

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

3 * Section 1. AS 08.86 is amended by adding a new section to read:

4 Sec. 08.86.075. POWER TO ORDER EXAMINATIONS. The board may
5 order a licensed psychologist or licensed psychological associate to submit to a
6 reasonable physical or mental examination if the board has credible evidence sufficient
7 to conclude that the psychologist's or psychological associate's physical or mental
8 capacity to practice safely is at issue.

9 * Sec. 2. AS 08.86.130(a) is amended to read:

10 (a) The board shall issue a license to a person who

11 (1) holds an earned doctorate degree, from an academic institution
12 whose program of graduate study for a doctorate degree in psychology meets the
13 criteria established by the board by regulation, in

14 (A) clinical psychology;

15 (B) counseling [EDUCATIONAL] psychology; or

1 (C) education in a [WITH THE] field of specialization [IN
2 COUNSELING PSYCHOLOGY OR EDUCATIONAL PSYCHOLOGY; OR
3 (D) A SUBJECT] considered equivalent by the board;

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

6 (3) has one year of post doctoral supervised experience approved by
7 the board; and

8 (4) [(3)] takes and passes the objective examination developed or
9 approved by the board.

10 * Sec. 3. AS 08.86.135 is amended to read:

11 Sec. 08.86.135. TEMPORARY LICENSE. The board may issue a temporary
12 license to a person who meets the requirements of AS 08.86.130(a)(1) and (2). A
13 temporary license issued under this section is valid only for the time period
14 identified in the person's plan for the purpose of obtaining supervised experience
15 to meet the requirements of AS 08.86.130(a)(3) [UNTIL THE RESULTS OF THE
16 EXAMINATION FOLLOWING THE ISSUANCE OF THE TEMPORARY LICENSE
17 ARE PUBLISHED].

18 * Sec. 4. AS 08.86.160 is repealed and reenacted to read:

19 Sec. 08.86.160. LICENSING REQUIREMENTS. (a) The board shall issue
20 a license to a person who

21 (1) holds an earned master's degree from an academic institution whose
22 program of graduate study for a master's degree in psychology meets the criteria
23 established by the board by regulation in

24 (A) clinical psychology;

25 (B) counseling psychology; or

26 (C) education in a field of specialization considered equivalent
27 by the board;

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

30 (3) has two years of post master's supervised experience approved by
31 the board; and

*Draft
Text.*

1 (4) takes and passes the objective examination developed or approved
2 by the board for psychological associates.

3 (b) The board may not deny recognition as an accredited or approved academic
4 institution to an educational institution solely because its program has not been
5 accredited by a professional organization of psychologists.

6 * Sec. 5. AS 08.86.164(a) is amended to read:

7 (a) A psychological associate shall be licensed for specific activities or areas
8 of competence as determined by the nature and extent of the psychological associate's
9 train , and experience [, AND THOSE AREAS SHALL BE SPECIFIED ON THE
10 LICENSE].

11 * Sec. 6. AS 08.86 is amended by adding a new section to article 4 to read:

12 Sec. 08.86.166. TEMPORARY LICENSE. The board may issue a temporary
13 license to a person who meets the requirements of AS 08.86.160(a)(1) and (2). A
14 temporary license issued under this section is valid only for the time period identified
15 in the person's plan for the purpose of obtaining supervised experience to meet the
16 requirement of AS 08.86.160(a)(3).

17 * Sec. 7. AS 08.86.200(a) is amended to read:

18 (a) A psychologist or psychological associate may not reveal to another person
19 a communication made to the psychologist or psychological associate by a client about
20 a matter concerning which the client has employed the psychologist or psychological
21 associate in a professional capacity. This section does not apply to

22 (1) a case conference with other mental health professionals
23 [PSYCHOLOGISTS, PSYCHOLOGICAL ASSOCIATES.] or with physicians and
24 surgeons;

25 (2) a case in which the client in writing authorized the psychologist or
26 psychological associate to reveal a communication;

27 (3) a case where an immediate threat of serious physical harm to an
28 identifiable victim is communicated to a psychologist or psychological associate by a
29 client;

30 (4) disclosures of confidential communications required under Rule 504,
31 Alaska Rules of Evidence; or

1 (5) proceedings conducted by the board or the department where the
2 disclosure of confidential communications is necessary to defend against charges that
3 the psychologist or psychological associate has violated provisions of this chapter;
4 information obtained by the board or department under this paragraph is
5 confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

6 * Sec. 8. AS 08.86.204 is amended to read:

7 Sec. 08.86.204. GROUNDS FOR IMPOSITION OF DISCIPLINARY
8 SANCTIONS. After a hearing, the board may impose a disciplinary sanction on a
9 person licensed under this chapter when the board finds that the licensee

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

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

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

15 (4) has been convicted of a felony or other crime that [WHICH] affects
16 the licensee's ability to continue to practice competently and safely;

17 (5) intentionally or negligently engaged in or permitted the performance
18 of patient care by persons under the licensee's supervision that [WHICH] does not
19 conform to minimum professional standards regardless of whether actual injury to the
20 patient occurred;

21 (6) failed to comply with this chapter, with a regulation adopted under
22 this chapter, or with an order of the board;

23 (7) continued to practice after becoming unfit due to

24 (A) professional incompetence;

25 (B) failure to keep informed of current professional practices;

26 (C) addiction or severe dependency on alcohol or other drugs
27 which impairs the ability to practice safely;

28 (D) physical or mental disability or a combination of physical
29 and mental disabilities;

30 (8) engaged in sexual misconduct with a patient during the course
31 of therapy, either within or outside the treatment setting, or within two years

revised

1 after therapy or counseling with the patient has terminated; in this paragraph,
2 "sexual misconduct" includes sexual contact, as defined in regulations adopted
3 under this chapter, or attempted sexual contact, regardless of the patient's or
4 former patient's consent or lack of consent [LEWD OR IMMORAL CONDUCT IN
5 CONNECTION WITH THE DELIVERY OF PROFESSIONAL SERVICE TO
6 PATIENTS].

7 * Sec. 9. AS 08.86.204 is amended by adding a new subsection to read:

8 (b) The board may summarily suspend the license of a licensee who refuses
9 to submit to a physical or mental examination under AS 08.86.075. A person whose
10 license is suspended under this subsection is entitled to a hearing by the board within
11 seven days after the effective date of the order. If, after a hearing, the board upholds
12 the suspension, the licensee may appeal the suspension to a court of competent
13 jurisdiction.

14 * Sec. 10. AS 08.86.230(4) is amended to read:

15 (4) "psychological associate" means a person licensed under this
16 chapter who renders specific psychological services [IN ASSOCIATION WITH A
17 LICENSED PSYCHOLOGIST] and complies with AS 08.86.164;

18 * Sec. 11. AS 08.86.162(3), 08.86.164(b), 08.86.164(c), 08.86.164(d), and 08.86.164(e) are
19 repealed.

Life QUEST

COMPREHENSIVE MENTAL HEALTH SERVICES

230 E. Paulson Ave., Suite 68, Wasilla, Alaska 99654-7001
(907) 376-2411 • 800-478-2410 • FAX (907) 376-1626 • TDD (907) 373-3197

December 12, 1995

Senator Lyda Green
4000 Palmdale Drive
Wasilla AK 99654

Dear Senator Green:

We, the undersigned, are Master's level clinicians employed with Life Quest, a nonprofit community mental health facility in Wasilla. It has been our continuing concern that access to Alaska's licensing has been too restrictive, especially when compared to other states. For many of us, the requirements to become a licensed Psychological Associate have been too cost prohibitive and unreasonable. Specifically, the duration and number of supervision hours are a major roadblock.

Please consider Senate Bill #165 as a positive change to make the licensure process more reasonable and user-friendly.

Sincerely,

LIFE QUEST'S MASTER'S LEVEL CLINICIANS

<u>Melba Bryson M.S.</u>	<u>Jill Allen M.S. Intern</u>
<u>Buff Anderson Williams M.S.</u>	<u>Ker Palm, L.C.S.E.</u>
<u>Jill Smith, M.S.</u>	<u>Mel White M.S., MFT</u>
<u>Donna Grace M.S.W.</u>	<u>Harold Hinder, M.S.W.</u>
<u>Wendy Simpson M.S.W.</u>	<u>Caryl Monroe M.S.C.P.</u>
<u>Deanne B. Sparker</u>	<u>Mel White, MFT</u>
<u>Blanchard, L.S.W.</u>	<u>Susan Stebbins, M.A.</u>
<u>Cynthia C. Brown M.S.W.</u>	<u>James R. Stebbins, M.A.</u>
<u>Pat Kelly, M.S.W.</u>	<u>Delores M. Korda M.S.</u>
<u>Karen Johnson</u>	



Life QUEST

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(907) 376-2411 • 800-478-2410 • FAX (907) 376-1626 • TDD (907) 373-5197

December 12, 1995

Senator Lyda Green
4000 Palmdale Drive
Wasilla AK 99654

Dear Senator Green:

As Life Quest's Chief Executive Officer, I am writing you to encourage your support of Senate Bill #165. It is in the best interest of both our consumers and our employees to have licensure statutes which are reasonable and which encourage participation. We have clinicians who are actively pursuing Psychological Associate licensure, and further refinement of this statute will be greatly appreciated.

Sincerely,



Robert S. Irvine, Ed.D., L.C.S.W., M.B.A.
Chief Executive Officer

/sd





UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508-8224

COLLEGE OF ARTS AND SCIENCES
Department of Psychology
(907) 786-1711
FAX (907) 786-4898

December 19, 1995

To: Allen Moma

From: Mark E. Johnson, Associate Professor *MEJ*
Department of Psychology

Re: SB 165: Changes to Psychologist and Psychological
Associate Regulations

On behalf of our graduate students, I would like to thank you for your efforts in proposing the changes to the regulations governing psychologists and psychological association as included in Senate Bill 165. I unequivocally support these changes and believe they are crucial to the ongoing success of graduates from our M.S. in Clinical Psychology program. Given the changes in the health care arena, it is critical that our students become licensed. The changes that are included in SB 165 will improve and streamline the licensing process to such a degree that more of our graduates will be license eligible. This will not only improve the marketability and employability of our students, but it will serve to protect better the consumers of mental health consumers. Further, I have heard from several agencies, including rural ones, that they would like to hire more of our graduates but are unable to do so because of the licensure issue. Thus, I believe that the changes encompassed in SB 165 will benefit not only our students, but mental health consumers throughout the State.

Thank you again for your efforts. I will express my strong support for this bill in any setting or arena; please let me know if this is needed.



UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99508-8224

COLLEGE OF ARTS AND SCIENCES
Department of Psychology
(907) 766-1711
FAX (907) 766-4698

December 19, 1995

Re: SB 165

Dear Legislators of the State of Alaska,

With this memo I would like to express my strong support for SB 165 and the changes it makes in the regulations governing psychologists and psychological associates. It is critical that graduates from master's level programs in psychology become licensed to participate fully in meeting the mental health needs of Alaska. The proposed changes encourages the pursuit of licensure among these professionals by 1 making the licensing process more comparable to other masters level licenses, i.e., Marriage and Family Therapist and Social Worker, and 2 by establishing the opportunity to define an agreement between the applicant and the licensing board that will identify what a specific applicant needs to complete to be license eligible.

Because this bill encourages more master's level practitioners to seek licensure, it will ultimately benefit the consumers of mental health services in Alaska. Most importantly, it will serve to improve service delivery in the bush, where licensed psychological associates are the exception not the rule. Overall, it will improve the quality of mental health care delivery by ensuring the quality control that licensure provides.

Thus, I believe that SB 165 represents a very proactive and positive move in meeting the mental health needs of Alaskans and I strongly supports its passage.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christiane Brems".

Christiane Brems, Ph.D.
Associate Professor

ALASKA PACIFIC UNIVERSITY

February 6, 1996

Re: SB 165 and HB 420

Dear Legislators of the State of Alaska:

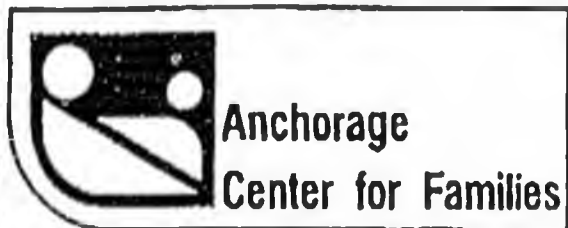
On behalf of the graduate students and the faculty of the Master of Science in Counseling Psychology program at Alaska Pacific University I wish to express my support for SB 165 and HB 420. It is critical that graduates from master's level programs at both the University of Alaska and Alaska Pacific University be eligible for licensure to be able to fully participate in meeting the mental health needs of Alaska's residents.

Given recent trends and changes in mental health, such as the advent of managed care and the consequent need for clinicians who are trained to provide short-term treatment, it is urgent that master's level practitioners are license eligible, and that there is a sensible process for such licensure. The proposed changes in the law will enable more of our graduates to become licensed, and therefore they will be better able to serve the needs of Alaskans, particularly in rural villages. Further, the proposed changes make the licensing process for master's level psychologists more comparable to the procedures that currently exist for Marriage and Family Therapists and Social Workers, as it ought to be. And finally, the proposed changes will make master's level psychologists more directly accountable to the licensing board which will ensure greater quality control and consumer protection.

Sincerely,



Ellen Cole, Ph.D.
Professor
Acting Director,
Master of Science in Counseling Psychology Program



3745 Community Park Loop, Suite 102 • Anchorage, Alaska 99508 • (907) 276-4994 • FAX (907) 276-6930
INTERMISSION Crisis Nursery • 24 Hours • (907) 276-8511

Re: HB420

Dear Legislators of the State of Alaska,

As a licensed psychological associate and clinical director of a private, non-profit family service agency, I write you to express my wholehearted support for the changes proposed in HB420.

In my agency, I have supervised licensed clinical social workers, licensed marriage family therapists, masters level student interns and an unlicensed Psy.D. The proposed changes in HB420 would make the licensing process for psychological associates much more comparable to other masters level licenses. I know first hand from supervising masters level students from the University of Alaska - Anchorage, and Alaska Pacific University as interns at my agency the fine job our State's Universities do in preparing these masters level practitioners to provide quality mental health services. I have listened to the discouragement of these students when faced with state licensing requirements that are much more stringent than social workers and marriage and family therapists.

I believe HB420 can only benefit mental health consumer services in Alaska while continuing to uphold the integrity of licensing requirements in their intent to ensure quality professional care to our Alaskan communities.

Sincerely,

A handwritten signature in cursive script that reads "Dee Foster".

Dee Foster, M.S.
Clinical Director



A Child Day Agency

Strengthening Families Since 1972

Sponsors: Alaska Chapter
National Committee for
Prevention of Child Abuse

